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# Presidential Documents

**Title 3—**

**The President**

**Proclamation 9069 of December 9, 2013**

## Human Rights Day and Human Rights Week, 2013

**By the President of the United States of America**

**A Proclamation**

Six and a half decades ago, delegates from around the world convened to adopt the Universal Declaration of Human Rights, rejecting the notion that individual aspirations should be subject to the whims of tyrants and empires, and affirming every person's right to liberty, equality, and justice under the law. On Human Rights Day and during Human Rights Week, we resolve not only to celebrate these ideals but also to advance them in our time.

Humanity thrives because of our differences; the exchange of ideas among vibrant cultures is a source of innovation, beauty, and vitality. Yet across the globe, our common and inalienable rights bind us as one. All women and men—across borders and regardless of race, creed, sexual orientation, gender identity, or income level—share the freedoms of expression, religion, assembly, and association. We all have the right to take part in government, directly or through freely elected representatives. And as societies, we have the right to choose our own destiny.

But in many parts of the world, people are still persecuted for their beliefs, imprisoned for their ideals, and punished for their convictions. A growing number of countries are passing laws designed to stifle civil society—including organizations that promote universal human rights, support good governance, and bolster economic development. Securing freedoms that are threatened or denied will require an unceasing commitment. Today and always, let us break down prejudice, amplify the courageous voices that sound the call for change, and reaffirm our unwavering support for the principles enshrined in the Universal Declaration of Human Rights.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 10, 2013, as Human Rights Day and the week beginning December 10, 2013, as Human Rights Week. I call upon the people of the United States to mark these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2013–29913
Filed 12–13–13; 8:45 am]
Billing code 3295–F4

# Rules and Regulations

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

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 923

**[Doc. No. AMS–FV–13–0055; FV13–923–1 FIR]**

## Sweet Cherries Grown in Designated Counties in Washington; Decreased Assessment Rate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** The Department of Agriculture is adopting, as a final rule, without change, an interim rule that decreased the assessment rate established for the Washington Cherry Marketing Committee (Committee) for the 2013–2014 and subsequent fiscal periods from $0.18 to $0.15 per ton of sweet cherries handled. The Committee locally administers the marketing order for sweet cherries grown in designated counties in Washington. The Committee's fiscal period begins on April 1, and ends March 31. The interim rule was necessary to allow the Committee to reduce its monetary reserve while still providing adequate funding to meet program expenses.

**DATES:** Effective December 17, 2013.

**FOR FURTHER INFORMATION CONTACT:** Teresa Hutchinson, Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *Teresa.Hutchinson@ams.usda.gov* or *GaryD.Olson@ams.usda.gov*.

Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide;* or by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov*.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Order No. 923, as amended (7 CFR part 923), regulating the handling of sweet cherries grown in designated counties in Washington, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866 and 13563.

Under the order, Washington sweet cherry handlers are subject to assessments which provide funds to administer the order. Assessment rates issued under the order are intended to be applicable to all assessable Washington sweet cherries for the entire fiscal period, and continue indefinitely until amended, suspended, or terminated. The Committee's fiscal period begins on April 1, and ends March 31.

In an interim rule published in the **Federal Register** on August 8, 2013, and effective on August 9, 2013, (78 FR 48283, Doc. No. AMS–FV–13–0055, FV13–923–1 IR), § 923.236 was amended by decreasing the assessment rate established for the Committee for the 2013–2014 and subsequent fiscal periods from $0.18 to $0.15 per ton of sweet cherries handled. The Committee recommended the lower assessment rate for the purpose of reducing its monetary reserve while still providing adequate funding to meet program expenses.

### Final Regulatory Flexibility Analysis

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

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

There are 53 handlers of Washington sweet cherries subject to regulation under the order and approximately 1,500 producers in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000.

The National Agricultural Statistics Service has prepared a preliminary report for the 2012 shipping season showing that prices for the 210,000 tons of sweet cherries that entered the fresh market averaged $2,140 per ton. Based on the number of producers in the production area (1,500), the average producer revenue from the sale of sweet cherries in 2012 can therefore be estimated at approximately $299,600 per year. In addition, the Committee reports that most of the industry's 53 handlers reported gross receipts of less than $7,000,000 from the sale of fresh sweet cherries last season. Thus, the majority of producers and handlers of Washington sweet cherries may be classified as small entities.

This rule continues in effect the action that decreased the assessment rate established for the Committee for the 2013–2014 and subsequent fiscal periods from $0.18 to $0.15 per ton of sweet cherries. The Committee also unanimously recommended 2013–2014 fiscal period expenditures of $65,900. The quantity of assessable sweet cherries for the 2013–2014 fiscal period is estimated by the Committee to be 160,000 tons. Thus, the $0.15 per ton rate should provide $24,000 in assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve, should be adequate to cover budgeted expenses. The Committee recommended the assessment rate decrease to reduce its monetary reserve to a level that is less than approximately

one fiscal period's operating expenses, the maximum permitted by the order.

This rule continues in effect the action that decreased the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers.

In addition, the Committee's meeting was widely publicized throughout the Washington sweet cherry industry. All interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the May 21, 2013, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

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

This action imposes no additional reporting or recordkeeping requirements on either small or large Washington sweet cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

Comments on the interim rule were required to be received on or before October 7, 2013. No comments were received. Therefore, for reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS-FV-13-0055-0001*.

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, and 13563; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (78 FR 48283, August 8, 2013) will tend to effectuate the declared policy of the Act.

**List of Subjects in 7 CFR Part 923**

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

## PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Accordingly, the interim rule amending 7 CFR part 923, which was published at 78 FR 48283 on August 8, 2013, is adopted as a final rule, without change.

Dated: December 9, 2013.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2013–29674 Filed 12–13–13; 8:45 am]

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## FEDERAL ELECTION COMMISSION

## 11 CFR Part 100

**[Notice 2013–16]**

## Date of Political Party Nominations of Candidates for Special Primary Elections in New York

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of interpretive rule.

**SUMMARY:** The Federal Election Commission is clarifying its interpretation of its rules for determining the date of a special primary election as those rules apply to nominations conducted under New York statutes that provide for a candidate to be nominated for a special election by a vote of a state or county party committee.

**DATES:** December 16, 2013.

**FOR MORE INFORMATION CONTACT:** Robert M. Knop, Assistant General Counsel, or Cheryl A.F. Hemsley, Attorney, 999 E Street NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

**SUPPLEMENTARY INFORMATION:** This Notice clarifies that, for purposes of the Federal Election Campaign Act of 1971, as amended (the ''Act''), and Commission regulations, the date of a special primary election under New York law is the date on which the political party committee votes to nominate the party's candidate for the special general election, not the date on which the certification of that vote is filed. Because the Act and Commission regulations provide for separate contribution limits for each ''election,'' [1] the Commission issues this clarification to assist candidates and their authorized committees in distinguishing contributions for special primary elections in New York from contributions for special general elections.

The Act provides that an ''election'' includes ''a general, special, primary, or runoff election . . . [or] a convention or caucus of a political party which has authority to nominate a candidate.'' 2 U.S.C. 431(1)(A), (B). Commission regulations define a ''primary election'' as an ''election which is held prior to a general election, as a direct result of which candidates are nominated, in accordance with applicable State law, for election to Federal office in a subsequent election.'' 11 CFR 100.2(c)(1).[2] A ''special election'' is an election to fill a vacancy in a Federal office and may be a primary, general, or runoff election. 11 CFR 100.2(f). Under the Act and Commission regulations, therefore, a special primary election is an election, convention, or caucus with the authority to nominate candidates in accordance with applicable state law for a subsequent general election that is held to fill a vacancy in a Federal office.

New York election law generally provides that ''[p]arty nominations for an office to be filled at a special election shall be made in the manner prescribed by the rules of the party.'' N.Y. Elec. Law 6–114. New York Democratic and Republican State party committee rules provide that the county committees within a vacant congressional district nominate candidates for a special election to the U.S. House of Representatives; and that the state committees nominate candidates for a special election to the U.S. Senate. *See* Party Rules New York State Democratic Committee, Art. VI, Sec. 2 (2012); and Rules of the New York Republican State Committee, Art. VII, Rule 1 (June 9, 2011). Similarly, when a vacancy in an elected office occurs too late for candidates to participate in a regularly scheduled primary, New York election law requires a party to nominate its candidate by a vote of the appropriate state or county party committee. *See* N.Y. Elec. Law 6–116. After a party committee votes to nominate a candidate, a ''certificate of nomination shall be filed'' with the appropriate election board certifying the committee's vote. *Id.*; *see also id.* 6–144,

[1] *See* 2 U.S.C. 441a(a)(1)(A); 11 CFR 110.1(b)(1), 110.2(b)(1).

[2] Because the date of a special primary election for an independent or minor-party candidate is governed by different regulatory criteria, *see* 11 CFR 100.2(c)(4), this Notice encompasses only nominations by a major political party, which is a party whose candidate for President received at least 25 percent of the popular vote in the preceding presidential election. 26 U.S.C. 9002(6).

6–156. Failure to file this certification is ''a fatal defect'' in the nomination. *Id.* 1–106.

Sections 6–114 and 6–116 vest special election nominating authority in the party committees, either directly or by operation of state party rules. Under these provisions, therefore, candidates are placed on the general election ballot ''in accordance with applicable state law'' as ''a direct result'' of the relevant party committee vote. *See* 11 CFR 100.2(c)(1). Accordingly, the party committee vote is a ''primary election'' within the meaning of the Act and Commission regulations. *See* Advisory Opinion 2004–20 (Farrell for Congress) (determining that party convention constituted primary election where convention's endorsement of only one candidate caused candidate to be placed directly on general election ballot); Advisory Opinion 1992–25 (Owens for Senate Committee) (concluding that party convention constituted primary election where candidate would be placed directly on general election ballot if candidate received at least 70% of votes at convention). The subsequent filing of a certification formalizes the nomination, but such a filing is not the primary election itself. *See FEC* v. *Citizens for Senator Wofford,* No. 1:CV–94–2057, slip op. at 8–10 (M.D. Pa. Sept. 27, 1995) (holding that state party convention constituted ''primary election'' under Act and Commission regulations even though state law required party to file subsequent certificate of nomination with state).

For the foregoing reasons, the Commission issues this interpretive rule to clarify that the date of a special primary election held pursuant to N.Y. Elec. Law 6–114 or 6–116 is the date of the party committee's nomination vote. To the extent that other states' nominating procedures for special elections are materially indistinguishable from those of New York, the Commission anticipates that this interpretation would apply to such other states as well.

This interpretive rule clarifies the Commission's interpretation of existing statutory and regulatory provisions and therefore does not constitute an agency action subject to notice and comment requirements or a delayed effective date under the Administrative Procedure Act. *See* 5 U.S.C. 553. The provisions of the Regulatory Flexibility Act, which apply when notice and comment are required by the Administrative Procedure Act or another statute, do not apply. *See* 5 U.S.C. 603(a). The Commission is not required to submit this interpretive rule for congressional review. *See* 2 U.S.C. 438(d)(1), (4).

Dated: December 5, 2013.

On behalf of the Commission,

**Ellen L. Weintraub,**

*Chair, Federal Election Commission.*

[FR Doc. 2013–29597 Filed 12–13–13; 8:45 am]

BILLING CODE 6715–01–P

## BUREAU OF CONSUMER FINANCIAL PROTECTION

## 12 CFR Part 1026

## Truth in Lending (Regulation Z)

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Final rule; official interpretation.

**SUMMARY:** The Bureau of Consumer Financial Protection (Bureau) is publishing this final rule amending the regulatory text and official interpretations for Regulation Z, which implements the Truth in Lending Act (TILA). The Bureau is required to calculate annually the dollar amounts for several provisions in Regulation Z; this final rule reviews the dollar amounts for provisions implementing amendments to TILA under the Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act) and the Home Ownership and Equity Protection Act of 1994 (HOEPA). These amounts are adjusted, where appropriate, based on the annual percentage change reflected in the Consumer Price Index in effect on June 1, 2013. The minimum interest charge disclosure thresholds will remain unchanged in 2014. The adjusted dollar amount for the penalty fees safe harbor in 2014 is $26 for a first late payment and $37 for each subsequent violation within the following six months. The adjusted statutory fee trigger for HOPEA loans is $632, effective January 1, 2014.

**DATES:** This final rule is effective January 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** David Friend, Counsel, Office of Regulations, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552 at (202) 435–7700.

**SUPPLEMENTARY INFORMATION:**

### I. Background

#### *A. CARD Act Annual Adjustments*

In 2010, the Board of Governors of the Federal Reserve System (Board) published amendments to Regulation Z implementing the Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act), which amended the Truth in Lending Act (TILA). Public Law 111–24, 123 Stat. 1734 (2009). Pursuant to the CARD Act, the Board's Regulation Z amendments established new requirements with respect to open-end consumer credit plans, including requirements for the disclosure of minimum interest charge amounts and the establishment of a safe harbor provision allowing card issuers to impose penalty fees for violating account terms without violating the restrictions on penalty fees established by the CARD Act. *See* 75 FR 7658, 7799 (Feb. 22, 2010) and 75 FR 37526, 37527 (June 29, 2010). The final rule issued by the Board required that these thresholds be calculated annually using the Consumer Price Index as published by the Bureau of Labor Statistics.[1]

Minimum Interest Charge Disclosure Thresholds

Sections 1026.6(b)(2)(iii) and 1026.60(b)(3) of the Bureau's Regulation Z provide that the minimum interest charge thresholds will be re-calculated annually using the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) that was in effect on the preceding June 1. When the cumulative change in the adjusted minimum value derived from applying the annual CPI–W level to the current amounts in §§ 1026.6(b)(2)(iii) and 1026.60(b)(3) has risen by a whole dollar, the minimum interest charge amounts set forth in the regulation will be increased by $1.00. The Bureau of Labor Statistics publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of the month. The CPI–W is a subset of the CPI–U index (based on all urban consumers) and represents approximately 28 percent of the U.S. population. The adjustment reflects a 0.9 percent increase in the CPI–W from April 2012 to April 2013 and is rounded to the nearest $1 increment. This increase in the CPI–W when applied to the current amounts in §§ 1026.6(b)(2)(iii) and 1026.60(b)(3) did not trigger an increase in the minimum interest charge threshold of at least

[1] The responsibility for promulgating rules under TILA was transferred from the Board to the Bureau effective July 21, 2011. The Bureau restated Regulation Z on December 22, 2011, and the Bureau's Regulation Z is located at 12 CFR part 1026. 76 FR 79768 (Dec. 22, 2011). *See* sections 1061 and 1100A of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Public Law 11–203, 124 Stat. 1376 (2010). Section 1029 of the Dodd-Frank Act excludes from this transfer of authority, subject to certain exceptions, any rulemaking authority over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.

$1.00, and therefore the Bureau is not amending §§ 1026.6(b)(2)(iii) and 1026.60(b)(3).

Penalty Fees Safe Harbor

The Bureau's Regulation Z provides that the safe harbor provision which establishes the permissible fee thresholds in § 1026.52(b)(1)(ii)(A) and (B) will be re-calculated annually using the CPI–W that was in effect on the preceding June 1. This adjustment is based on the CPI–W index in effect on June 1, 2013, which was reported on May 16, 2013. The Bureau of Labor Statistics publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of the month. The CPI–W is a subset of the CPI–U index (based on all urban consumers) and represents approximately 28 percent of the U.S. population. When the cumulative change in the adjusted minimum value derived from applying the annual CPI–W level to the current amounts in § 1026.52(b)(1)(ii)(A) and (B) has risen by a whole dollar, those amounts will be increased by $1.00. Similarly, when the cumulative change in the adjusted minimum value derived from applying the annual CPI–W level to the current amounts in § 1026.52(b)(1)(ii)(A) and (B) has decreased by a whole dollar, those amounts will be decreased by $1.00. *See* comment 52(b)(1)(ii)–2. The adjustment to the permissible fee thresholds being adopted here reflects a 0.9 percent increase in the CPI–W from April 2012 to April 2013 and is rounded to the nearest $1 increment.

*B. HOEPA Annual Threshold Adjustment*

In 1995, the Board of Governors of the Federal Reserve System (Board) published amendments to Regulation Z implementing the Home Ownership and Equity Protection Act of 1994 (HOEPA), which amended TILA and was contained in the Riegle Community Development and Regulatory Improvement Act of 1994, Public Law 103–325, 108 Stat. 2160. These amendments impose substantive limitations and additional disclosure requirements on certain closed-end home mortgage loans bearing annual percentage rates or points and fees above a certain percentage or amount. As enacted, the statute requires creditors to comply with the HOEPA requirements if the total points and fees payable by the consumer at consummation exceed the greater of $400 or 8 percent of the total loan amount. TILA and Regulation Z provide that the $400 figure shall be adjusted annually on January 1 by the annual percentage change in the Consumer Price Index (CPI) that was reported on the preceding June 1. 15 U.S.C. 1602(bb)(3); 12 CFR 1026.32(a)(1)(ii).

The Bureau uses the Consumer Price Index for All Urban Consumers (CPI–U) index, as published by the Bureau of Labor Statistics (BLS), as the index for adjusting the $400 figure. The CPI–U is based on all urban consumers and represents approximately 88 percent of the U.S. population, The BLS publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of each month. The adjustment to the CPI–U index reported by BLS on May 16, 2013, was the CPI–U index in effect on June 1, and reflects the percentage change from April 2012 to April 2013. The adjustment to the $400 figure being adopted here reflects a 1.1 percent increase in the CPI–U index for this period and is rounded to whole dollars for ease of compliance.

The fee trigger being adjusted in this **Federal Register** notice pursuant to TILA section 103(bb) is used in determining whether a loan is covered by § 1026.32. Such loans have generally been known as ''HOEPA loans.'' On January 10, 2013, the Bureau issued a final rule pursuant to, *inter alia,* section 1431 of the Dodd-Frank Act, which revised the statutory fee trigger for HOEPA loans. 78 FR 6856 (Jan. 31, 2013) (2013 HOEPA Final Rule). The amendments adopted in the 2013 HOEPA Final Rule, including the revised fee trigger, apply to loans for which the creditor received an application on or after January 10, 2014. *Id.* at 6939. The Bureau is mindful of the need to coordinate implementation of this final rule with the effective date of the January 10th final rule adopting revisions to the HOEPA fee trigger. Accordingly, the adjustment to the fee trigger that is being published today will become effective on January 1, 2014, will apply to loans consummated on or after January 1, 2014, and will apply until the revised HOEPA fee trigger takes effect. Pursuant to section 1431 of the Dodd Frank Act and § 1026.32(a)(1)(ii) as amended by the 2013 HOEPA Final Rule, implementation of the 2013 HOEPA Final Rule will change the HOEPA fee trigger to $1,000, which will be adjusted annually thereafter in accordance with § 1026.32(a)(1)(ii) as amended by the 2013 HOEPA Final Rule. *Id.* at 6968.

## II. Adjustment and Commentary Revision

*A. CARD Act Annual Adjustments*

Minimum Interest Charge Disclosure Thresholds—§§ 1026.6(b)(1)(ii) and 1026.60(b)(3)

The minimum interest charge amounts for §§ 1026.6(b)(2)(iii) and 1026.60(b)(3) will remain unchanged for the year 2014. Accordingly, the Bureau is not amending these sections.

Penalty Fees Safe Harbor—§ 1026.52(b)(1)(ii)(A) and (B)

Effective January 1, 2014, the permissible fee threshold amounts are $26 for § 1026.52(b)(1)(ii)(A) and $37 for § 1026.52(b)(1)(ii)(B). Accordingly, the Bureau is revising § 1026.52(b)(1)(ii)(A) and (B) to state that the fee imposed for violating the terms or other requirements of an account shall not exceed $26 and $37 respectively. The Bureau is also adopting new comment 52(b)(1)(ii)–2.i to preserve a list of the historical thresholds for this provision.

*B. HOEPA Annual Threshold Adjustment—Comment 32(a)(1)(ii)–2*

Effective January 1, 2014, for purposes of determining whether a consumer credit transaction that is secured by a consumer's principal dwelling and is not otherwise exempt is covered by § 1026.32 (based on the total points and fees payable by the consumer at consummation), a loan is covered if the points and fees exceed $632 or 8 percent of the total loan amount, whichever is greater. Comment 32(a)(1)(ii)–2, which lists the adjustments for each year, is amended to reflect the new dollar threshold amount for 2014.

## III. Administrative Law Matters

*A. Administrative Procedure Act*

Under the Administrative Procedure Act, notice and opportunity for public comment are not required if the Bureau finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b). The amendments in this notice are technical and non-discretionary, and they apply the method previously established in the agency's regulations for determining adjustments to the thresholds. For these reasons, the Bureau has determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. Therefore, the amendments are adopted in final form.

Section 553(d) of the Administrative Procedure Act generally requires publication of a final rule not less than

30 days before its effective date, except for (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) as otherwise provided by the agency for good cause found and published with the rule. 5 U.S.C. 553(d). At a minimum, the Bureau believes the amendments fall under the third exception to section 553(d). The Bureau finds that there is good cause to make the amendments effective on January 1, 2014. The amendments in this notice are technical and non-discretionary, and they apply the method previously established in the agency's regulations for determining adjustments to the thresholds.

*B. Regulatory Flexibility Act*

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis. 5 U.S.C. 603(a), 604(a).

*C. Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320), the agency reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

**List of Subjects in 12 CFR Part 1026**

Advertising, Consumer protection, Credit, Credit unions, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth in lending.

**Authority and Issuance**

For the reasons set forth in the preamble, the Bureau amends Regulation Z, 12 CFR part 1026, as set forth below:

## PART 1026—TRUTH IN LENDING (REGULATION Z)

■ 1. The authority citation for part 1026 continues to read as follows:

**Authority:** 12 U.S.C. 2601, 2603–2605, 2607, 2609, 2617, 5511, 5512, 5532, 5581; 15 U.S.C. 1601 *et seq.*

### Subpart G—Special Rules Applicable to Credit Card Accounts and Open End Credit Offered to College Students

■ 2. Section 1026.52(b)(1)(ii)(A) and (B) is revised to read as follows:

**§ 1026.52 Limitations on fees.**

* * * * *

(b * * *

(1) * * *

(ii) * * *

(A) $26;

(B) $37 if the card issuer previously imposed a fee pursuant to paragraph (b)(1)(ii)(A) of this section for a violation of the same type that occurred during the same billing cycle or one of the next six billing cycles; or

* * * * *

■ 3. In Supplement I to part 1026—Official Interpretations:

■ A. Under *Section 1026.32—Requirements for Certain Closed-End Home Mortgages, 32(a) Coverage, Paragraph 32(a)(1)(ii),* paragraph 2.xix is added.

■ B. Under *Section 1026.52—Limitations on Fees, 52(b) Limitations on Penalty Fees,* 52*(b)(1)(ii) Safe Harbors,* subheading i and paragraph 2.i.A are added.

The additions read as follows:

**SUPPLEMENT I TO PART 1026—OFFICIAL INTERPRETATIONS**

* * * * *

### Subpart E—Special Rules for Certain Home Mortgage Transactions

* * * * *

**Section 1026.32—Requirements for Certain Closed-End Home Mortgages**

32(a) Coverage.

* * * * *

Paragraph 32(a)(1)(ii).

* * * * *

2. *Annual adjustment of $400 amount.* * * *

xix. For 2014, $632, reflecting a 1.1 percent increase in the CPI–U from June 2012 to June 2013, rounded to the nearest whole dollar.

* * * * *

### Subpart G—Special Rules Applicable to Credit Card Accounts and Open-End Credit Offered to College Students

**Section 1026.52—Limitations on Fees**

* * * * *

**52(b)(1)(ii) Safe harbors**

* * * * *

*2. Adjustments based on Consumer Price Index.* * * *

i. *Historical thresholds.*

A. Card issuers were permitted to impose a fee for violating the terms of an agreement if the fee did not exceed $25 under § 1026.52(b)(1)(ii)(A) and $35 under § 1026.52(b)(1)(ii)(B), through December 31, 2013.

**Richard Cordray,**

*Director, Bureau of Consumer Financial Protection.*

[FR Doc. 2013–29844 Filed 12–13–13; 8:45 am]

BILLING CODE 4810–AM–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2013–0725; Directorate Identifier 98–CE–01–AD; Amendment 39–17690; AD 98–15–18 R1]**

**RIN 2120–AA64**

## Airworthiness Directives; Maule Aerospace Technology, Inc. Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are revising Airworthiness Directive (AD) 98–15–18 that applies to certain Maule Aerospace Technology, Inc. Models M–4, M–5, M–6, M–7, MT–7, MX–7, MXT–7, and M–8 airplanes that are equipped with rear wing lift struts, part number (P/N) 2079E, and/or front wing lift struts, P/N 2080E. AD 98–15–18 required repetitively inspecting certain wing lift struts for internal corrosion and replacing of any wing lift strut where corrosion was found. Since we issued AD 98–15–18, we were informed by the manufacturer that Model MXT–7–420 airplanes are no longer in existence, are no longer type certificated, and should be removed from the Applicability section. We were also informed that paragraph (b) in AD 98–15–18 had been misinterpreted and caused confusion. This AD removes Model MXT–7–420 airplanes from the Applicability section and clarifies the intent of the language in paragraph (b) of AD 98–15–18. This AD also retains all other requirements of AD 98–15–18. We are issuing this AD to correct the unsafe condition on these products.

**DATES:** This AD is effective January 21, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 26, 1996 (61 FR 623, January 9, 1996).

**ADDRESSES:** For service information identified in this AD, contact Maule Air, Inc., 2099 GA Hwy 133 South, Moultrie, Georgia 31768; telephone: (229) 985–2045; fax: (229) 890–2402; Internet: *http://www.mauleairinc.com/pdf/servicebulletins/service_bulletin_11_old.pdf.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

**Examining the AD Docket**

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0725; 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:** Gregory ''Keith'' Noles, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5551; fax: (404) 474–5606; email: *gregory.noles@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to revise AD 98–15–18, Amendment 39–10669 (63 FR 39018, July 21, 1998), (''AD 98–15–18''). AD 98–15–18 was also reissued with a correction on September 18, 1998 (63 FR 51520, September 28, 1998). AD 98–15–18 applied to the specified products. The NPRM published in the **Federal Register** on August 13, 2013 (78 FR 49207). The NPRM proposed to retain all requirements of AD 98–15–18, remove Model MXT–7–420 airplanes from the Applicability section, and clarify our intent of required actions if the seal on a sealed wing lift strut is ever improperly broken.

**Comments**

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 49207, August 13, 2013) or on the determination of the cost to the public.

**Conclusion**

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed 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 49207, August 13, 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 49207, August 13, 2013).

**Costs of Compliance**

We estimate that this AD affects 1,196 airplanes of U.S. registry.

We estimate the following costs to comply with this AD. However, the only difference in the costs presented below and the costs associated with AD 98–15–18 is the change in the labor rate from $65 per hour to $85 per hour.

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspection of the wing lift struts. | 11 × $85 per hour = $935 per inspection cycle. | $40 | $975 per inspection cycle. | $1,166,100 per inspection cycle. |

We estimate the following costs to do any necessary replacements that will be required based on the results of the inspection. We have no way of determining the number of airplanes that might need these replacements:

ON-CONDITION COSTS

| Action | Labor cost per wing lift strut | Parts cost per wing lift strut | Cost per product per wing lift strut |
|---|---|---|---|
| Replacement of the wing lift strut .... | 5 work-hours × $85 per hour = $425 ..... | $500 | $925 |

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 98–15–18, Amendment 39–10669 (63 FR 39018, July 21, 1998), and adding the following new AD:

**98–15–18 R1 Maule Aerospace Technology, Inc.:** Amendment 39–17690; Docket No. FAA–2013–0725; Directorate Identifier 98–CE–01–AD.

**(a) Effective Date**

This AD is effective January 21, 2014.

**(b) Affected ADs**

This AD revises AD 98–15–18, Amendment 39–10669 (63 FR 39018, July 21, 1998), which superseded AD 95–26–18, Amendment 39–9476 (61 FR 623, January 9, 1996.)

**(c) Applicability**

This AD applies to the following Maule Aerospace Technology, Inc. airplanes, all serial numbers, identified in figure 1 of paragraph (c) of this AD, that are:

(1) Equipped with original equipment manufacturer (OEM) Maule Aerospace Technology, Inc. rear wing lift struts, part number (P/N) 2079E (or FAA-approved equivalent part numbers), and/or front wing lift struts, P/N 2080E (or FAA-approved equivalent part numbers), excluding airplanes equipped with four Maule sealed lift struts, P/N 2200E and P/N 2201E, which are identified by two raised weld spots on the upper end of the strut just below the serial number plate. Removal of the upper cuff is needed to locate the weld spots; and

(2) certificated in any category.

FIGURE 1 TO PARAGRAPH (C) OF THIS AD—APPLICABILITY

| Models | | | | |
|---|---|---|---|---|
| Bee Dee M–4 | M–4 | M–4C | M–4S | M–4T |
| M–4–180C | M–4–180S | M–4–180T | M–4–210 | M–4–210C |
| M–4–210S | M–4–210T | M–4–220 | M–4–220C | M–4–220S |
| M–4–220T | M–5–180C | M–5–200 | M–5–210C | M–5–210TC |
| M–5–220C | M–5–235C | M–6–180 | M–6–235 | M–7–235 |
| M–7–235A | M–7–235B | M–7–235C | MT–7–235 | MX–7–160 |
| MX–7–180 | MX–7–180A | MX–7–180B | MX–7–235 | MX–7–420 |
| MXT–7–160 | MXT–7–180 | MXT–7–180A | M–8–235 | |

**(d) Subject**

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

**(e) Unsafe Condition**

(1) The subject of this AD was originally prompted by reports of corrosion damage found on the wing lift struts. We are revising AD 98–15–18, Amendment 39–10669 (63 FR 39018, July 21, 1998), because of reports that the language in paragraph (b) had been misinterpreted and caused confusion. Since we issued AD 98–15–18, we were informed by the manufacturer that Model MXT–7–420 airplanes are no longer in existence, are no longer type certificated, and should be removed from the Applicability section. This AD removes Model MXT–7–420 airplanes from the Applicability section and clarifies the intent of the language in paragraph (b) of AD 98–15–18, which is being removed by this AD.

(2) This AD clarifies the FAA's intention that if a sealed wing lift strut assembly is installed as a replacement part, the repetitive inspection requirement is terminated only if the seal is never improperly broken. If the seal is improperly broken, then that wing lift strut becomes subject to continued repetitive inspections. We did not intend to promote drilling holes into or otherwise unsealing a sealed strut. This AD retains all the actions required in AD 98–15–18 and does not add any actions over that already required in AD 98–15–18. This AD does not add any additional burden to the owners/operators of the affected airplanes.

(3) We are issuing this AD to detect and correct corrosion on the front and rear wing lift struts, which could cause the wing lift strut to fail. This failure could result in the wing separating from the airplane.

**(f) Paragraph Designation Changes to AD 98–15–18**

Since AD 98–15–18, Amendment 39–10669 (63 FR 39018, July 21, 1998), was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this AD, as listed in the following table:

TABLE 1 TO PARAGRAPH (F) OF THIS AD—REVISED PARAGRAPH IDENTIFIERS

| Requirement in AD 98–15–18 | Corresponding requirement in this AD |
|---|---|
| paragraph (a) | paragraph (h) |
| paragraph (a)(1) | paragraph (i)(1) |
| paragraph (a)(1)(i) | paragraph (i)(1)(i) |
| paragraph (a)(1)(ii) | paragraph (i)(1)(ii) |
| paragraph (a)(2) | paragraph (i)(2) |
| paragraph (a)(2)(i) | paragraph (i)(2)(i) |
| paragraph (a)(2)(ii) | paragraph (i)(2)(ii) |
| paragraph (a)(3) | paragraph (j)(1) |
| paragraph (a)(4) and (c) | paragraph (j)(2) |
| paragraph (b) | Removed |

**(g) Compliance**

Unless already done (compliance with AD 98–15–18, Amendment 39–10669 (63 FR 39018, July 21, 1998)), do the following actions within the compliance times specified in paragraphs (h) through (j) of this AD, including all subparagraphs. Properly unsealing and resealing a sealed wing lift strut is still considered a terminating action for the repetitive inspection requirements of this AD as long as all appropriate regulations and issues are considered, such as static strength, fatigue, material effects, immediate and long-term (internal and external) corrosion protection, resealing methods, etc. Current FAA regulations in 14 CFR 43.13(b) specify that maintenance performed will result in the part's condition to be at least equal to its original or properly altered condition. Any maintenance actions that unseal a sealed wing lift strut should be coordinated with the Atlanta Aircraft Certification Office (ACO) through the local airworthiness authority (e.g., Flight Standards District Office). There are provisions in paragraph (k) of this AD for approving such actions as an alternative method of compliance (AMOC).

**(h) Remove Wing Lift Struts**

At whichever of the compliance times specified in paragraphs (h)(1), (h)(2), or (h)(3) of this AD that occurs later, remove the wing lift struts following the INSTRUCTIONS section in PART I of Maule Service Bulletin (SB) No. 11, dated October 30, 1995. Before further flight after the removal, do the actions in one of the following paragraphs (i)(1), (i)(2), (j)(1), or (j)(2) of this AD, including all subparagraphs.

(1) Upon accumulating 2 years time-in-service on an OEM Maule wing lift strut, P/N 2079E and/or P/N 2080E;

(2) Within 3 calendar months after September 9, 1998 (the effective date retained from AD 98–15–18, Amendment 39–10669 (63 FR 39018, July 21, 1998)); or

(3) Within 2 years after the last inspection done in accordance with AD 95–26–18, Amendment 39–9476 (61 FR 623, January 9, 1996) (which was superseded by AD 98–15–18).

**(i) Inspect Wing Lift Struts**

Before further flight after the removal required in paragraph (h) of this AD, inspect

each wing lift strut following paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs, or do the wing lift strut replacement following one of the options in paragraph (j)(1) or (j)(2) of this AD.

(1) Inspect each wing lift strut for corrosion and perceptible dents following the INSTRUCTIONS section in PART I of Maule SB No. 11, dated October 30, 1995.

(i) *If no corrosion is visible and no perceptible dents are found on any wing lift strut during the inspection required in paragraph (i)(1) of this AD,* before further flight, apply corrosion inhibitor to each wing lift strut following the INSTRUCTIONS section in PART I of Maule SB No. 11, dated October 30, 1995. Repetitively thereafter inspect each wing lift strut at intervals not to exceed 24 calendar months following the procedures in paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs.

(ii) *If corrosion or perceptible dents are found on any wing lift strut during the inspection required in paragraph (i)(1) of this AD or during any repetitive inspection required in paragraph (i)(1)(i) of this AD,* before further flight, replace the affected wing lift strut with one of the replacement options specified in paragraph (j)(1) or (j)(2) of this AD. Do the replacement following the procedures specified in those paragraphs, as applicable.

(2) Inspect each wing lift strut for corrosion following the procedures in the Appendix to this AD. This inspection must be done by a Level 2 or Level 3 inspector certified using the guidelines established by the American Society for Non-destructive Testing or the ''Military Standard for Nondestructive Testing Personnel Qualification and Certification'' (MIL–STD–410E), which can be found on the Internet at *http://aerospacedefense.thomasnet.com/Asset/MIL-STD-410.pdf.*

(i) *If no corrosion is found on any wing lift strut during the inspection required in paragraph (i)(2) of this AD and all requirements in the Appendix to this AD are met,* before further flight, apply corrosion inhibitor to each wing lift strut following the INSTRUCTIONS section in PART I of Maule SB No. 11, dated October 30, 1995. Repetitively thereafter inspect each wing lift strut at intervals not to exceed 24 calendar months following the procedures in paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs.

(ii) *If corrosion is found on any wing lift strut during the inspection required in paragraph (i)(2) of this AD or during any repetitive inspection required in paragraph (i)(2)(i) of this AD, or if any requirement in the Appendix of this AD is not met,* before further flight after any inspection in which corrosion is found or the Appendix requirements are not met, replace the affected wing lift strut with one of the replacement options specified in paragraph (j)(1) or (j)(2) of this AD. Do the replacement following the procedures specified in those paragraphs, as applicable.

**(j) Wing Lift Strut Replacement Options**

Before further flight after the removal required in paragraph (h) of this AD, replace the wing lift struts following one of the options in paragraph (j)(1) or (j)(2) of this AD, or inspect each wing lift strut following paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs.

(1) Install OEM Maule P/N wing lift struts (or FAA-approved equivalent part numbers) that have been inspected following the procedures in either paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs, and are found to be airworthy. Do the installations following the INSTRUCTIONS section in PART II of Maule SB No. 11, dated October 30, 1995. Repetitively thereafter inspect the newly installed wing lift struts at intervals not to exceed 24 calendar months following the procedures in either paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs.

(2) Install new Maule sealed wing lift struts, P/N 2200E or P/N 2201E, as applicable (or FAA-approved equivalent part numbers) following the INSTRUCTIONS section in PART II of Maule SB No. 11, dated October 30, 1995. Installing one of these new sealed wing lift strut assemblies terminates the repetitive inspection requirements in paragraphs (i)(1) or (i)(2) of this AD, including all subparagraphs, for that wing lift strut assembly.

**(k) Alternative Methods of Compliance (AMOCs)**

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

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

(3) AMOCs approved for AD 98–15–18, Amendment 39–10669 (63 FR 39018, July 21, 1998) and AD 95–26–18, Amendment 39–9476 (61 FR 623, January 9, 1996) are approved as AMOCs for this AD.

**(l) Related Information**

For more information about this AD, contact Gregory K. Noles, Aerospace Engineer, FAA, Atlanta ACO, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5551; fax: (404) 474–5606; email: *gregory.noles@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.

(3) The following service information was approved for IBR on January 26, 1996 (61 FR 623, January 9, 1996).

(i) Maule Service Bulletin No. 11, dated October 30, 1995.

(ii) Reserved.

(4) For Maule Aerospace Technology, Inc. service information identified in this AD, contact Maule Air, Inc., 2099 GA Hwy 133 South, Moultrie, Georgia 31768; telephone: (229) 985–2045; fax: (229) 890–2402; Internet: *http://www.mauleairinc.com/pdf/servicebulletins/service_bulletin_11_old.pdf.*

(5) You may view this service information at Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

(6) 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.*

**Appendix to AD 98–15–18 R1**

**Procedures and Requirements for Ultrasonic Inspection of Maule Wing Lift Struts**

**Equipment Requirements**

1. A portable ultrasonic thickness gauge or flaw detector with echo-to-echo digital thickness readout capable of reading to 0.001-inch and an A-trace waveform display will be needed to do this inspection.

2. An ultrasonic probe with the following specifications will be needed to do this inspection: 10 MHz (or higher), 0.283-inch (or smaller) diameter dual element or delay line transducer designed for thickness gauging. The transducer and ultrasonic system shall be capable of accurately measuring the thickness of AISI 4340 steel down to 0.020-inch. An accuracy of ± 0.002-inch throughout a 0.020-inch to 0.050-inch thickness range while calibrating shall be the criteria for acceptance.

3. Either a precision machined step wedge made of 4340 steel (or similar steel with equivalent sound velocity) or at least three shim samples of same material will be needed to do this inspection. One thickness of the step wedge or shim shall be less than or equal to 0.020-inch, one shall be greater than or equal to 0.050-inch and at least one other step or shim shall be between these two values.

4. Glycerin, light oil, or similar non-water based ultrasonic couplants are recommended in the setup and inspection procedures. Water-based couplants, containing appropriate corrosion inhibitors, may be utilized, provided they are removed from both the reference standards and the test item after the inspection procedure is completed and adequate corrosion prevention steps are then taken to protect these items.

• NOTE: Couplant is defined as ''a substance used between the face of the transducer and test surface to improve transmission of ultrasonic energy across the transducer/strut interface.''

• NOTE: If surface roughness due to paint loss or corrosion is present, the surface should be sanded or polished smooth before testing to assure a consistent and smooth surface for making contact with the transducer. Care shall be taken to remove a minimal amount of structural material. Paint repairs may be necessary after the inspection

to prevent further corrosion damage from occurring. Removal of surface irregularities will enhance the accuracy of the inspection technique.

**Instrument Setup**

1. Set up the ultrasonic equipment for thickness measurements as specified in the instrument's user's manual. Because of the variety of equipment available to perform ultrasonic thickness measurements, some modification to this general setup procedure may be necessary. However, the tolerance requirement of step 13 and the record keeping requirement of step 14, must be satisfied.

2. If battery power will be employed, check to see that the battery has been properly charged. The testing will take approximately two hours. Screen brightness and contrast should be set to match environmental conditions.

3. Verify that the instrument is set for the type of transducer being used, i.e. single or dual element, and that the frequency setting is compatible with the transducer.

4. If a removable delay line is used, remove it and place a drop of couplant between the transducer face and the delay line to assure good transmission of ultrasonic energy. Reassemble the delay line transducer and continue.

5. Program a velocity of 0.231-inch/microsecond into the ultrasonic unit unless an alternative instrument calibration procedure is used to set the sound velocity.

6. Obtain a step wedge or steel shims per item 3 of the Equipment Requirements. Place the probe on the thickest sample using couplant. Rotate the transducer slightly back and forth to ''ring'' the transducer to the sample. Adjust the delay and range settings to arrive at an A-trace signal display with the first backwall echo from the steel near the left side of the screen and the second backwall echo near the right of the screen. Note that when a single element transducer is used, the initial pulse and the delay line/steel interface will be off of the screen to the left. Adjust the gain to place the amplitude of the first backwall signal at approximately 80% screen height on the A-trace.

7. ''Ring'' the transducer on the thinnest step or shim using couplant. Select positive half-wave rectified, negative half-wave rectified, or filtered signal display to obtain the cleanest signal. Adjust the pulse voltage, pulse width, and damping to obtain the best signal resolution. These settings can vary from one transducer to another and are also user dependent.

8. Enable the thickness gate, and adjust the gate so that it starts at the first backwall echo and ends at the second backwall echo. (Measuring between the first and second backwall echoes will produce a measurement of the steel thickness that is not affected by the paint layer on the strut). If instability of the gate trigger occurs, adjust the gain, gate level, and/or damping to stabilize the thickness reading.

9. Check the digital display reading and if it does not agree with the known thickness of the thinnest thickness, follow your instrument's calibration recommendations to produce the correct thickness reading. When a single element transducer is used this will usually involve adjusting the fine delay setting.

10. Place the transducer on the thickest step of shim using couplant. Adjust the thickness gate width so that the gate is triggered by the second backwall reflection of the thick section. If the digital display does not agree with the thickest thickness, follow your instruments calibration recommendations to produce the correct thickness reading. A slight adjustment in the velocity may be necessary to get both the thinnest and the thickest reading correct. Document the changed velocity value.

11. Place couplant on an area of the lift strut which is thought to be free of corrosion and ''ring'' the transducer to surface. Minor adjustments to the signal and gate settings may be required to account for coupling improvements resulting from the paint layer. The thickness gate level should be set just high enough so as not to be triggered by irrelevant signal noise. An area on the upper surface of the lift strut above the inspection area would be a good location to complete this step and should produce a thickness reading between 0.034-inch and 0.041-inch.

12. Repeat steps 8, 9, 10, and 11 until both thick and thin shim measurements are within tolerance and the lift strut measurement is reasonable and steady.

13. Verify that the thickness value shown in the digital display is within ± 0.002-inch of the correct value for each of the three or more steps of the setup wedge or shims. Make no further adjustments to the instrument settings.

14. Record the ultrasonic versus actual thickness of all wedge steps or steel shims available as a record of setup.

**Inspection Procedure**

1. Clean the lower 18 inches of the wing lift struts using a cleaner that will remove all dirt and grease. Dirt and grease will adversely affect the accuracy of the inspection technique. Light sanding or polishing may also be required to reduce surface roughness as noted in the Equipment Requirements section.

2. Using a flexible ruler, draw a ¼-inch grid on the surface of the first 11 inches from the lower end of the strut as shown in Maule Air, Inc. Service Bulletin No. 11, dated October 30, 1995, as applicable. This can be done using a soft (#2) pencil and should be done on both faces of the strut. As an alternative to drawing a complete grid, make two rows of marks spaced every ¼ inch across the width of the strut. One row of marks should be about 11 inches from the lower end of the strut, and the second row should be several inches away where the strut starts to narrow. Lay the flexible ruler between respective tick marks of the two rows and use tape or a rubber band to keep the ruler in place. See Figure 1.

3. Apply a generous amount of couplant inside each of the square areas or along the edge of the ruler. Re-application of couplant may be necessary.

4. Place the transducer inside the first square area of the drawn grid or at the first ¼-inch mark on the ruler and ''ring'' the transducer to the strut. When using a dual element transducer, be very careful to record the thickness value with the axis of the transducer elements perpendicular to any curvature in the strut. If this is not done, loss of signal or inaccurate readings can result.

5. Take readings inside each square on the grid or at ¼-inch increments along the ruler and record the results. When taking a thickness reading, rotate the transducer slightly back and forth and experiment with the angle of contact to produce the lowest thickness reading possible. Pay close attention to the A-scan display to assure that the thickness gate is triggering off of maximized backwall echoes.

- NOTE: A reading shall not exceed .041 inch. If a reading exceeds .041 inch, repeat steps 13 and 14 of the Instrument Setup section before proceeding further.

6. If the A-trace is unsteady or the thickness reading is clearly wrong, adjust the signal gain and/or gate setting to obtain reasonable and steady readings. If any instrument setting is adjusted, repeat steps 13 and 14 of the Instrument Setup section before proceeding further.

7. In areas where obstructions are present, take a data point as close to the correct area as possible.

- NOTE: The strut wall contains a fabrication bead at approximately 40% of the strut chord. The bead may interfere with accurate measurements in that specific location.

8. A measurement of 0.024 inch or less shall require replacement of the strut prior to further flight.

9. If at any time during testing an area is encountered where a valid thickness measurement cannot be obtained due to a loss of signal strength or quality, the area shall be considered suspect. These areas may have a remaining wall thickness of less than 0.020-inch, which is below the range of this setup, or they may have small areas of localized corrosion or pitting present. The latter case will result in a reduction in signal strength due to the sound being scattered from the rough surface and may result in a signal that includes echoes from the pits as well as the backwall. The suspect area(s) shall be tested with a Maule ''Fabric Tester'' as specified in Maule Air, Inc. Service Bulletin No. 11, dated October 30, 1995.

10. Record the lift strut inspection in the aircraft log book.

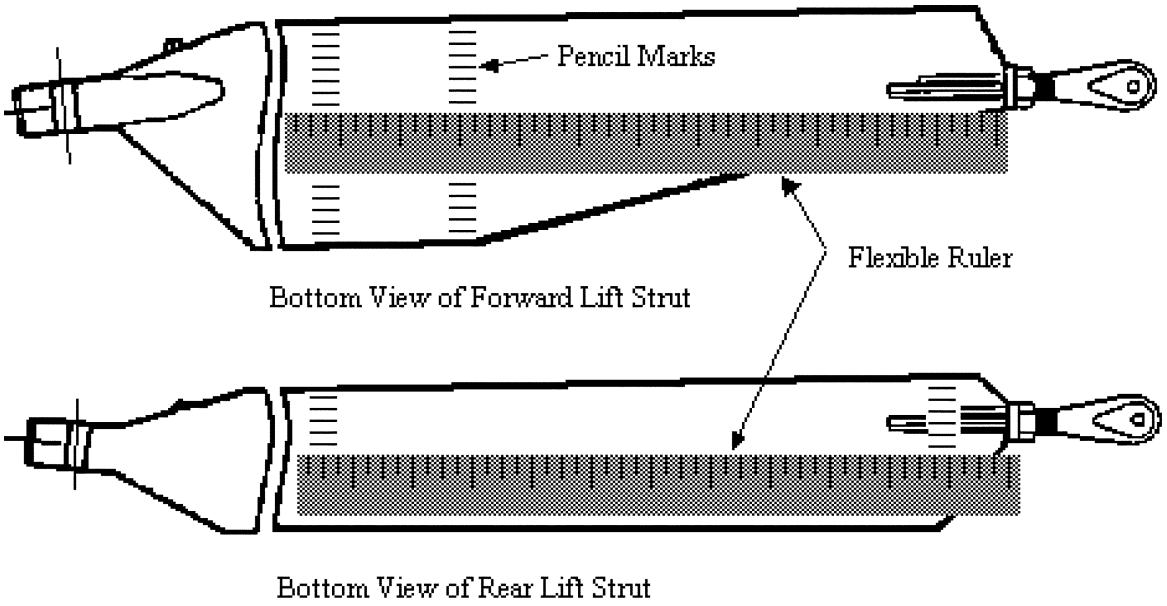


**Figure 1**

Issued in Kansas City, Missouri, on November 22, 2013.

**Earl Lawrence,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2013–29682 Filed 12–13–13; 8:45 am]

**BILLING CODE 4910–13–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2013–0724; Directorate Identifier 99–CE–013–AD; Amendment 39–17691; AD 99–26–19 R1]**

**RIN 2120–AA64**

## Airworthiness Directives; Piper Aircraft, Inc. Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are revising Airworthiness Directive (AD) 99–26–19 that applies to certain The New Piper Aircraft, Inc. Model J–2 airplanes equipped with wing lift struts. AD 99–26–19 required repetitively inspecting the wing lift struts for dents and corrosion; repetitively inspecting the wing lift strut forks for cracks; replacing any dented or corroded wing lift strut; replacing any cracked wing lift strut fork; and repetitively replacing the wing lift strut forks at specified times for certain airplanes. AD 99–26–19 also required incorporating a ''NO STEP'' placard on the wing lift strut. Since we issued AD 99–26–19, we were informed that paragraph (c) had been misinterpreted and caused confusion. This AD clarifies the intent of the language in paragraph (c) of AD 99–26–19 and retains all other requirements of AD 99–26–19. We are issuing this AD to correct the unsafe condition on these products.

**DATES:** This AD is effective January 21, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 14, 2000 (64 FR 72524, December 28, 1999).

**ADDRESSES:** For service information identified in this AD, contact Piper Aircraft, Inc., Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (772) 567–4361; Internet: *www.piper.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

### Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0724; 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:** Gregory ''Keith'' Noles, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5551; fax: (404) 474–5606; email: *gregory.noles@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to revise AD 99–26–19, Amendment 39–11479 (64 FR 72524, December 28, 1999), (''AD 99–26–19''). AD 99–26–19 applied to the specified products. The NPRM published in the **Federal Register** on August 13, 2013 (78 FR 49221). The NPRM proposed to retain all requirements of AD 99–26–19

and clarify our intent of required actions if the seal on a sealed wing lift strut is ever improperly broken.

**Comments**

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

**Conclusion**

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed 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 49221, August 13, 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 49221, August 13, 2013).

**Costs of Compliance**

We estimate that this AD affects 91 airplanes of U.S. registry.

We estimate the following costs to comply with this AD. However, the only difference in the costs presented below and the costs associated with AD 99–26–19 is the change in the labor rate from $65 per hour to $85 per hour:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspection of the wing lift struts and wing lift strut forks. | 8 work-hours × $85 per hour = $680 per inspection cycle. | Not applicable | $680 per inspection cycle. | $61,880 per inspection cycle. |
| Installation placard | 1 work-hour × $85 = $85 | $30 | $115 | $10,465. |

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

ON-CONDITION COSTS

| Action | Labor cost per wing lift strut | Parts cost per wing lift strut | Cost per product per wing lift strut |
|---|---|---|---|
| Replacement of the wing lift strut and/or wing lift strut forks. | 4 work-hours × $85 per hour = $340 | $440 | $780 |

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 99–26–19, Amendment 39–11479 (64 FR 72524, December 28, 1999), and adding the following new AD:

**99–26–19 R1 Piper Aircraft, Inc.:** Amendment 39–17691; Docket No. FAA–2013–0724; Directorate Identifier 99–CE–013–AD.

**(a) Effective Date**

This AD is effective January 21, 2014.

**(b) Affected ADs**

This AD revises AD 99–26–19, Amendment 39–11479 (64 FR 72524, December 28, 1999). AD 99–01–05, Amendment 39–10972 (63 FR 72132, December 31, 1998), which superseded AD 93–10–06, Amendment 39–8586 (58 FR 29965, May 25, 1993), also relates to the subject of this AD.

**(c) Applicability**

This AD applies to Piper Aircraft, Inc. Model J–2 airplanes, serial numbers 500 through 1975, that are:

(1) equipped with wing lift struts; and

(2) certificated in any category.

**(d) Subject**

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

**(e) Unsafe Condition**

(1) The subject of this AD was originally prompted by reports of corrosion damage found on the wing lift struts. We are revising AD 99–26–19, Amendment 39–11479 (64 FR 72524, December 28, 1999), because of reports that paragraph (c) had been misinterpreted and caused confusion. This AD removes the language in paragraph (c) of AD 99–26–19, which caused the confusion.

(2) This AD clarifies the FAA's intention that if a sealed wing lift strut assembly is installed as a replacement part, the repetitive inspection requirement is terminated only if the seal is never improperly broken. If the seal is improperly broken, then that wing lift strut becomes subject to continued repetitive inspections. We did not intend to promote drilling holes into or otherwise unsealing a sealed strut. This AD retains all the actions required in AD 99–26–19 and this AD does not require any actions over that already required in AD 99–26–19. This AD does not add any additional burden to the owners/ operators of the affected airplanes.

(3) We are issuing this AD to detect and correct corrosion and cracking on the front and rear wing lift struts and forks, which could cause the wing lift strut to fail. This failure could result in the wing separating from the airplane.

**(f) Paragraph Designation Changes to AD 99–26–19**

Since AD 99–26–19, Amendment 39–11479 (64 FR 72524, December 28, 1999), was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this AD, as listed in the following table:

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| paragraph (a)(2) | paragraph (i)(2) |
| paragraph (a)(2)(i) | paragraph (i)(2)(i) |
| paragraph (a)(2)(ii) | paragraph (i)(2)(ii) |
| paragraph (a)(3) | paragraph (j)(1) |
| paragraph (a)(4) | paragraph (j)(2) |
| paragraph (b) | paragraph (k) |
| paragraph (b)(1) through (b)(1)(ii) | paragraph (l) |
| paragraph (b)(1)(ii)(A) | paragraph (l)(1) |
| paragraph (b)(1)(ii)(B) and (b)(1)(iv) | paragraph (l)(2) |
| paragraph (b)(1)(ii)(C) and (b)(1)(iv) | paragraph (l)(3) |
| paragraph (b)(1)(iii) and (b)(2) | paragraph (m)(1) |
| paragraph (b)(3) through (b)(3)(ii) | paragraph (m)(2) |
| Paragraph (c) | Removed |
| paragraph (d) | paragraph (n)(1) |
| paragraph (d)(1) | paragraph (n)(1)(i) |
| paragraph (d)(2) | paragraph (n)(1)(ii) |
| N/A | Paragraph (n)(2) |

**(g) Compliance**

Unless already done (compliance with AD 99–26–19, Amendment 39–11479 (64 FR 72524, December 28, 1999)), do the following actions within the compliance times specified in paragraphs (h) through (n) of this AD, including all subparagraphs. Properly unsealing and resealing a sealed wing lift strut is still considered a terminating action for the repetitive inspection requirements of this AD as long as all appropriate regulations and issues are considered, such as static strength, fatigue, material effects, immediate and long-term (internal and external) corrosion protection, resealing methods, etc. Current FAA regulations in 14 CFR 43.13(b) specify that maintenance performed will result in the part's condition to be at least equal to its original or properly altered condition. Any maintenance actions that unseal a sealed wing lift strut should be coordinated with the Atlanta Aircraft Certification Office (ACO) through the local airworthiness authority (e.g., Flight Standards District Office). There are provisions in paragraph (o) of this AD for approving such actions as an alternative method of compliance (AMOC).

**(h) Remove Wing Lift Struts**

At whichever of the compliance times specified in paragraphs (h)(1) or (h)(2) of this AD that occurs later, remove the wing lift struts following Piper Service Bulletin (SB) No. 528D, dated October 19, 1990. Before further flight after the removal, do the actions in one of the following paragraphs (i)(1), (i)(2), (j)(1), or (j)(2) of this AD, including all subparagraphs.

(1) Within 1 calendar month after February 14, 2000 (the effective date retained from AD 99–26–19, Amendment 39–11479 (64 FR 72524, December 28, 1999)); or

(2) Within 24 calendar months after the last inspection done in accordance with AD 93–10–06, Amendment 39–8586 (58 FR 29965, May 25, 1993).

**(i) Inspect Wing Lift Struts**

Before further flight after the removal required in paragraph (h) of this AD, inspect each wing lift strut following paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs, or do the wing lift strut replacement following one of the options in paragraph (j)(1) or (j)(2) of this AD.

(1) Inspect each wing lift strut for corrosion and perceptible dents following Piper SB No. 528D, dated October 19, 1990.

(i) *If no corrosion is visible and no perceptible dents are found on any wing lift strut during the inspection required in paragraph (i)(1) of this AD,* before further flight, apply corrosion inhibitor to each wing lift strut following Piper SB No. 528D, dated October 19, 1990. Repetitively thereafter inspect each wing lift strut at intervals not to exceed 24 calendar months following the procedures in paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs.

(ii) *If corrosion or perceptible dents are found on any wing lift strut during the inspection required in paragraph (i)(1) of this AD or during any repetitive inspection required in paragraph (i)(1)(i) of this AD,* before further flight, replace the affected wing lift strut with one of the replacement options specified in paragraph (j)(1) or (j)(2) of this AD. Do the replacement following the procedures specified in those paragraphs, as applicable.

(2) Inspect each wing lift strut for corrosion following the procedures in the Appendix to this AD. This inspection must be done by a Level 2 or Level 3 inspector certified using the guidelines established by the American Society for Non-destructive Testing or the ''Military Standard for Nondestructive Testing Personnel Qualification and Certification'' (MIL–STD–410E), which can be found on the Internet at *http://aerospacedefense.thomasnet.com/Asset/MIL-STD-410.pdf.*

(i) *If no corrosion is found on any wing lift strut during the inspection required in paragraph (i)(2) of this AD and all requirements in the Appendix to this AD are met,* before further flight, apply corrosion inhibitor to each wing lift strut following Piper SB No. 528D, dated October 19, 1990. Repetitively thereafter inspect each wing lift strut at intervals not to exceed 24 calendar months following the procedures in paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs.

(ii) *If corrosion is found on any wing lift strut during the inspection required in paragraph (i)(2) of this AD or during any repetitive inspection required in paragraph (i)(2)(i) of this AD, or if any requirement in the Appendix of this AD is not met,* before further flight after any inspection in which corrosion is found or the Appendix requirements are not met, replace the affected wing lift strut with one of the replacement options specified in paragraph (j)(1) or (j)(2) of this AD. Do the replacement following the procedures specified in those paragraphs, as applicable.

**(j) Wing Lift Strut Replacement Options**

Before further flight after the removal required in paragraph (h) of this AD, replace the wing lift struts following one of the options in paragraph (j)(1) or (j)(2) of this AD, or inspect each wing lift strut following paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs.

(1) Install original equipment manufacturer (OEM) part number wing lift struts (or FAA-

approved equivalent part numbers) that have been inspected following the procedures in either paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs, and are found to be airworthy. Do the installations following Piper SB No. 528D, dated October 19, 1990. Repetitively thereafter inspect the newly installed wing lift struts at intervals not to exceed 24 calendar months following the procedures in either paragraph (i)(1) or (i)(2) of this AD, including all subparagraphs.

(2) Install new sealed wing lift strut assemblies (or FAA-approved equivalent part numbers) (these sealed wing lift strut assemblies also include the wing lift strut forks) following Piper SB No. 528D, dated October 19, 1990. Installing one of these new sealed wing lift strut assemblies terminates the repetitive inspection requirements in paragraphs (i)(1) and (i)(2) of this AD, and the wing lift strut fork removal, inspection, and replacement requirements in paragraphs (k) and (l) of this AD, including all subparagraphs, for that wing lift strut assembly.

**(k) Remove Wing Lift Strut Forks**

Within the next 100 hours time-in-service (TIS) after February 14, 2000 (the effective date retained from AD 99–26–19, Amendment 39–11479 (64 FR 72524, December 28, 1999)) or within 500 hours TIS after the last inspection done in accordance with AD 93–10–06, Amendment 39–8586 (58 FR 29965, May 25, 1993), whichever occurs later, remove the wing lift strut forks (unless already replaced in accordance with paragraph (j)(2) of this AD). Do the removal following Piper SB No. 528D, dated October 19, 1990. Before further flight after the removal, do the actions in one of the following paragraphs (l) or (m) of this AD, including all subparagraphs.

**(l) Inspect Wing Lift Strut Forks**

Before further flight after the removal required in paragraph (k) of this AD, inspect the wing lift strut forks following paragraph (l) of this AD, including all subparagraphs, or do the wing lift strut fork replacement following one of the options in paragraph (m)(1) or (m)(2) of this AD. Inspect the wing lift strut forks for cracks using magnetic particle procedures, such as those contained in FAA Advisory Circular (AC) 43.13–1B, Chapter 5, which can be found in the Internet at *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/99c827db9baac81b86256b4500596c4e/$FILE/Chapter%2005.pdf*. Repetitively thereafter inspect at intervals not to exceed 500 hours TIS until the replacement time requirement specified in paragraph (l)(2) or (l)(3) of this AD is reached provided no cracks are found.

(1) *If cracks are found during any inspection required in paragraph (l) of this AD or during any repetitive inspection required in paragraph (l)(2) or (l)(3) of this AD,* before further flight, replace the affected wing lift strut fork with one of the replacement options specified in paragraph (m)(1) or (m)(2) of this AD. Do the replacement following the procedures specified in those paragraphs, as applicable.

(2) *If no cracks are found during the initial inspection required in paragraph (l) of this AD and the airplane is currently equipped with floats or has been equipped with floats at any time during the previous 2,000 hours TIS since the wing lift strut forks were installed,* at or before accumulating 1,000 hours TIS on the wing lift strut forks, replace the wing lift strut forks with one of the replacement options specified in paragraph (m)(1) or (m)(2) of this AD. Do the replacement following the procedures specified in those paragraphs, as applicable. Repetitively thereafter inspect the newly installed wing lift strut forks at intervals not to exceed 500 hours TIS following the procedures specified in paragraph (l) of this AD, including all subparagraphs.

(3) *If no cracks are found during the initial inspection required in paragraph (l) of this AD and the airplane has never been equipped with floats during the previous 2,000 hours TIS since the wing lift strut forks were installed,* at or before accumulating 2,000 hours TIS on the wing lift strut forks, replace the wing lift strut forks with one of the replacement options specified in paragraph (m)(1) or (m)(2) of this AD. Do the replacement following the procedures specified in those paragraphs, as applicable. Repetitively thereafter inspect the newly installed wing lift strut forks at intervals not to exceed 500 hours TIS following the procedures specified in paragraph (l) of this AD, including all subparagraphs.

**(m) Wing Lift Strut Fork Replacement Options**

Before further flight after the removal required in paragraph (k) of this AD, replace the wing lift strut forks following one of the options in paragraph (m)(1) or (m)(2) of this AD, or inspect the wing lift strut forks following paragraph (1) of this AD, including all subparagraphs

(1) Install new OEM part number wing lift strut forks of the same part numbers of the existing part (or FAA-approved equivalent part numbers) that were manufactured with rolled threads. Wing lift strut forks manufactured with machine (cut) threads are not to be used. Do the installations following Piper SB No. 528D, dated October 19, 1990. Repetitively thereafter inspect and replace the newly installed wing lift strut forks at intervals not to exceed 500 hours TIS following the procedures specified in paragraph (l) of this AD, including all subparagraphs.

(2) Install new sealed wing lift strut assemblies (or FAA-approved equivalent part numbers) (these sealed wing lift strut assemblies also include the wing lift strut forks) following Piper SB No. 528D, dated October 19, 1990. This installation may have already been done through the option specified in paragraph (j)(2) of this AD. Installing one of these new sealed wing lift strut assemblies terminates the repetitive inspection requirements in paragraphs (i)(1) and (i)(2) of this AD, and the wing lift strut fork removal, inspection, and replacement requirements in paragraphs (k) and (l) of this AD, including all subparagraphs, for that wing lift strut assembly.

**(n) Install Placard**

(1) Within 1 calendar month after February 14, 2000 (the effective date retained from AD 99–26–19, Amendment 39–11479 (64 FR 72524, December 28, 1999), or within 24 calendar months after the last inspection required by AD 93–10–06, Amendment 39–8586 (58 FR 29965, May 25, 1993), whichever occurs later, and before further flight after any replacement of a wing lift strut assembly required by this AD, do the actions in one of the following paragraphs (n)(1)(i) or (n)(1)(ii) of this AD:

(i) Install ''NO STEP'' decal, Piper (P/N) 80944–02, on each wing lift strut approximately 6 inches from the bottom of the wing lift strut in a way that the letters can be read when entering and exiting the airplane; or

(ii) Paint the words ''NO STEP'' approximately 6 inches from the bottom of the wing lift strut in a way that the letters can be read when entering and exiting the airplane. Use a minimum of 1-inch letters using a color that contrasts with the color of the airplane.

(2) The ''NO STEP'' markings required by paragraph (n)(1)(i) and (n)(1)(ii) of this AD must remain in place for the life of the airplane.

**(o) Alternative Methods of Compliance (AMOCs)**

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

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

(3) AMOCs approved for AD 93–10–06, Amendment 39–8586 (58 FR 29965, May 25, 1993) and AD 99–26–19, Amendment 39–11479 (64 FR 72524, December 28, 1999) are approved as AMOCs for this AD.

**(p) Related Information**

For more information about this AD, contact Gregory K. Noles, Aerospace Engineer, FAA, Atlanta ACO, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5551; fax: (404) 474–5606; email: *gregory.noles@faa.gov*.

**(q) Material Incorporated by Reference**

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

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

(3) The following service information was approved for IBR on February 14, 2000 (64 FR 72524, December 28, 1999).

(i) Piper Service Bulletin No. 528D, dated October 19, 1990.

(ii) Reserved.

(4) For Piper Aircraft, Inc. service information identified in this AD, contact Piper Aircraft, Inc., Customer Services, 2926

Piper Drive, Vero Beach, Florida 32960; telephone: (772) 567–4361; Internet: *www.piper.com*.

(5) You may view this service information at FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

(6) 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*.

## Appendix to AD 99–26–19 R1

### Procedures and Requirements for Ultrasonic Inspection of Piper Wing Lift Struts

### EQUIPMENT REQUIREMENTS

1. A portable ultrasonic thickness gauge or flaw detector with echo-to-echo digital thickness readout capable of reading to 0.001-inch and an A-trace waveform display will be needed to do this inspection.

2. An ultrasonic probe with the following specifications will be needed to do this inspection: 10 MHz (or higher), 0.283-inch (or smaller) diameter dual element or delay line transducer designed for thickness gauging. The transducer and ultrasonic system shall be capable of accurately measuring the thickness of AISI 4340 steel down to 0.020-inch. An accuracy of +/− 0.002-inch throughout a 0.020-inch to 0.050-inch thickness range while calibrating shall be the criteria for acceptance.

3. Either a precision machined step wedge made of 4340 steel (or similar steel with equivalent sound velocity) or at least three shim samples of same material will be needed to do this inspection. One thickness of the step wedge or shim shall be less than or equal to 0.020-inch, one shall be greater than or equal to 0.050-inch, and at least one other step or shim shall be between these two values.

4. Glycerin, light oil, or similar non-water based ultrasonic couplants are recommended in the setup and inspection procedures. Water-based couplants, containing appropriate corrosion inhibitors, may be utilized, provided they are removed from both the reference standards and the test item after the inspection procedure is completed and adequate corrosion prevention steps are then taken to protect these items.

• NOTE: Couplant is defined as ''a substance used between the face of the transducer and test surface to improve transmission of ultrasonic energy across the transducer/strut interface.''

• NOTE: If surface roughness due to paint loss or corrosion is present, the surface should be sanded or polished smooth before testing to assure a consistent and smooth surface for making contact with the transducer. Care shall be taken to remove a minimal amount of structural material. Paint repairs may be necessary after the inspection to prevent further corrosion damage from occurring. Removal of surface irregularities will enhance the accuracy of the inspection technique.

### INSTRUMENT SETUP

1. Set up the ultrasonic equipment for thickness measurements as specified in the instrument's user's manual. Because of the variety of equipment available to perform ultrasonic thickness measurements, some modification to this general setup procedure may be necessary. However, the tolerance requirement of step 13 and the record keeping requirement of step 14, must be satisfied.

2. If battery power will be employed, check to see that the battery has been properly charged. The testing will take approximately two hours. Screen brightness and contrast should be set to match environmental conditions.

3. Verify that the instrument is set for the type of transducer being used, i.e. single or dual element, and that the frequency setting is compatible with the transducer.

4. If a removable delay line is used, remove it and place a drop of couplant between the transducer face and the delay line to assure good transmission of ultrasonic energy. Reassemble the delay line transducer and continue.

5. Program a velocity of 0.231-inch/microsecond into the ultrasonic unit unless an alternative instrument calibration procedure is used to set the sound velocity.

6. Obtain a step wedge or steel shims per item 3 of the EQUIPMENT REQUIREMENTS. Place the probe on the thickest sample using couplant. Rotate the transducer slightly back and forth to ''ring'' the transducer to the sample. Adjust the delay and range settings to arrive at an A-trace signal display with the first backwall echo from the steel near the left side of the screen and the second backwall echo near the right of the screen. Note that when a single element transducer is used, the initial pulse and the delay line/steel interface will be off of the screen to the left. Adjust the gain to place the amplitude of the first backwall signal at approximately 80% screen height on the A-trace.

7. ''Ring'' the transducer on the thinnest step or shim using couplant. Select positive half-wave rectified, negative half-wave rectified, or filtered signal display to obtain the cleanest signal. Adjust the pulse voltage, pulse width, and damping to obtain the best signal resolution. These settings can vary from one transducer to another and are also user dependent.

8. Enable the thickness gate, and adjust the gate so that it starts at the first backwall echo and ends at the second backwall echo. (Measuring between the first and second backwall echoes will produce a measurement of the steel thickness that is not affected by the paint layer on the strut). If instability of the gate trigger occurs, adjust the gain, gate level, and/or damping to stabilize the thickness reading.

9. Check the digital display reading and if it does not agree with the known thickness of the thinnest thickness, follow your instrument's calibration recommendations to produce the correct thickness reading. When a single element transducer is used this will usually involve adjusting the fine delay setting.

10. Place the transducer on the thickest step of shim using couplant. Adjust the thickness gate width so that the gate is triggered by the second backwall reflection of the thick section. If the digital display does not agree with the thickest thickness, follow your instruments calibration recommendations to produce the correct thickness reading. A slight adjustment in the velocity may be necessary to get both the thinnest and the thickest reading correct. Document the changed velocity value.

11. Place couplant on an area of the lift strut which is thought to be free of corrosion and ''ring'' the transducer to surface. Minor adjustments to the signal and gate settings may be required to account for coupling improvements resulting from the paint layer. The thickness gate level should be set just high enough so as not to be triggered by irrelevant signal noise. An area on the upper surface of the lift strut above the inspection area would be a good location to complete this step and should produce a thickness reading between 0.034-inch and 0.041-inch.

12. Repeat steps 8, 9, 10, and 11 until both thick and thin shim measurements are within tolerance and the lift strut measurement is reasonable and steady.

13. Verify that the thickness value shown in the digital display is within +/− 0.002-inch of the correct value for each of the three or more steps of the setup wedge or shims. Make no further adjustments to the instrument settings.

14. Record the ultrasonic versus actual thickness of all wedge steps or steel shims available as a record of setup.

### INSPECTION PROCEDURE

1. Clean the lower 18 inches of the wing lift struts using a cleaner that will remove all dirt and grease. Dirt and grease will adversely affect the accuracy of the inspection technique. Light sanding or polishing may also be required to reduce surface roughness as noted in the EQUIPMENT REQUIREMENTS section.

2. Using a flexible ruler, draw a ¼-inch grid on the surface of the first 11 inches from the lower end of the strut as shown in Piper SB No. 528D, dated October 19, 1990, or Piper SB No. 910A, dated October 10, 1989. This can be done using a soft (#2) pencil and should be done on both faces of the strut. As an alternative to drawing a complete grid, make two rows of marks spaced every ¼-inch across the width of the strut. One row of marks should be about 11 inches from the lower end of the strut, and the second row should be several inches away where the strut starts to narrow. Lay the flexible ruler between respective tick marks of the two rows and use tape or a rubber band to keep the ruler in place. See Figure 1.

3. Apply a generous amount of couplant inside each of the square areas or along the edge of the ruler. Re-application of couplant may be necessary.

4. Place the transducer inside the first square area of the drawn grid or at the first ¼-inch mark on the ruler and ''ring'' the transducer to the strut. When using a dual element transducer, be very careful to record the thickness value with the axis of the transducer elements perpendicular to any curvature in the strut. If this is not done, loss of signal or inaccurate readings can result.

5. Take readings inside each square on the grid or at ¼-inch increments along the ruler and record the results. When taking a thickness reading, rotate the transducer slightly back and forth and experiment with the angle of contact to produce the lowest thickness reading possible. Pay close attention to the A-scan display to assure that the thickness gate is triggering off of maximized backwall echoes.

• NOTE: A reading shall not exceed .041 inch. If a reading exceeds .041-inch, repeat steps 13 and 14 of the INSTRUMENT SETUP section before proceeding further.

6. If the A-trace is unsteady or the thickness reading is clearly wrong, adjust the signal gain and/or gate setting to obtain reasonable and steady readings. If any instrument setting is adjusted, repeat steps 13 and 14 of the INSTRUMENT SETUP section before proceeding further.

7. In areas where obstructions are present, take a data point as close to the correct area as possible.

• NOTE: The strut wall contains a fabrication bead at approximately 40% of the strut chord. The bead may interfere with accurate measurements in that specific location.

8. A measurement of 0.024-inch or less shall require replacement of the strut prior to further flight.

9. If at any time during testing an area is encountered where a valid thickness measurement cannot be obtained due to a loss of signal strength or quality, the area shall be considered suspect. These areas may have a remaining wall thickness of less than 0.020-inch, which is below the range of this setup, or they may have small areas of localized corrosion or pitting present. The latter case will result in a reduction in signal strength due to the sound being scattered from the rough surface and may result in a signal that includes echoes from the pits as well as the backwall. The suspect area(s) shall be tested with a Maule ''Fabric Tester'' as specified in Piper SB No. 528D, dated October 19, 1990, or Piper SB No. 910A, dated October 10, 1989.

10. Record the lift strut inspection in the aircraft log book.

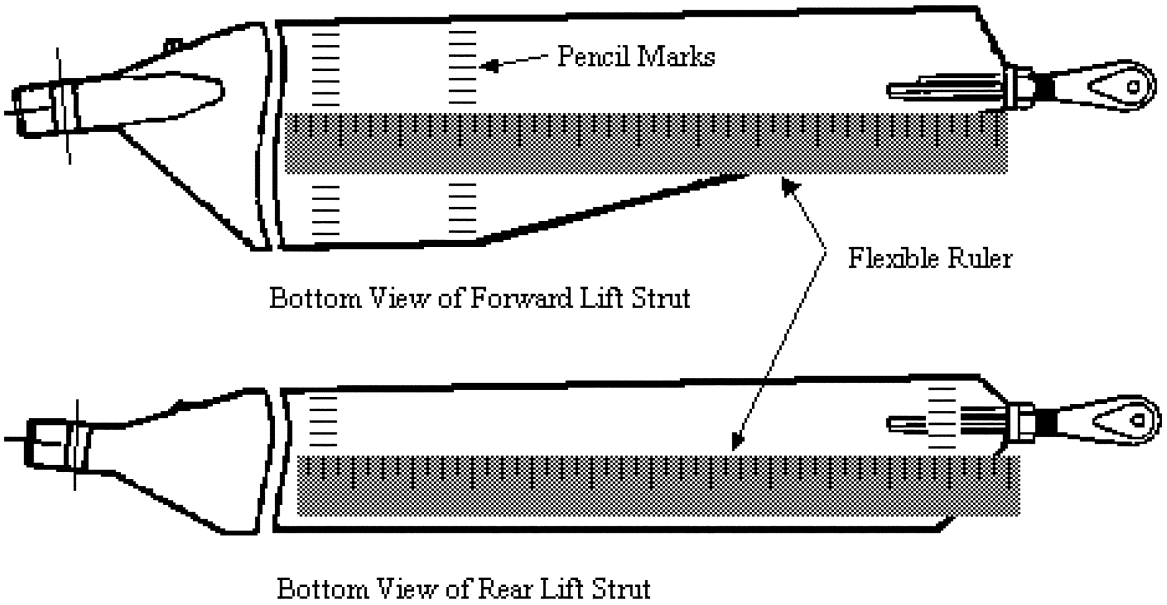


**Figure 1**

Issued in Kansas City, Missouri, on November 22, 2013.

**Earl Lawrence,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2013–29679 Filed 12–13–13; 8:45 am]

BILLING CODE 4910–13–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA–2013–0879; Directorate Identifier 2013–NE–30–AD; Amendment 39–17694; AD 2013–24–17]**

**RIN 2120–AA64**

## Airworthiness Directives; General Electric Company Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for General Electric Company (GE) GE90–110B1 and GE90–115B turbofan engines with certain high pressure compressor (HPC) rotor stage 2–5 spools installed. This AD requires removing these spools from service at times determined by a drawdown plan. This AD was prompted by reports of cracks in HPC rotor stage 2–5 spool aft spacer arms. We are issuing this AD to prevent failure of a critical life-limited rotating engine part, which could result in an uncontained engine failure and damage to the airplane.

**DATES:** This AD is effective December 31, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 31, 2013.

We must receive comments on this AD by January 30, 2014.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR

11.43 and 11.45, by any of the following methods:

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

For service information identified in this AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: (513) 552–3272; email: *geae.aoc@ge.com*. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call (781) 238–7125.

## Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0879; 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 street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:**

Tomasz Rakowski, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7735; fax: (781) 238–7199; email: *tomasz.rakowski@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

## Discussion

We received reports from GE of cracks in the aft spacer arms of several HPC rotor stage 2–5 spools, which occurred before the spools reached their published cyclic life limit. The cracks developed under the seal teeth coating, so they were undetectable by maintenance inspections. This AD requires removal of these spools at a reduced cyclic life threshold, earlier than the published cyclic life limit. Because some engines have spools installed that already exceed the reduced cyclic life threshold, this AD provides a drawdown program to remove the spools within risk guidelines without grounding airplanes. This AD also prohibits spare spools that exceed the reduced cyclic life threshold from re-entering service. This AD is intended to prevent HPC rotor stage 2–5 spool cracks from growing and causing the spool to separate. This condition, if not corrected, could result in failure of a critical life-limited rotating engine part, which could result in an uncontained engine failure and damage to the airplane.

## Relevant Service Information

We reviewed GE Service Bulletin (SB) No. GE90–100 S/B 72–0499, dated August 14, 2013. The SB lists part serial numbers affected by this AD.

## FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

## AD Requirements

This AD requires removing certain HPC rotor stage 2–5 spools from service at times determined by a drawdown plan outlined in the paragraph (f) of the compliance section of this AD.

## Differences Between the AD and the Service Information

The schedule for removal of HPC rotor spools in this AD differs from that of GE SB GE90–100 S/B 72–0499, dated August 14, 2013. This AD uses cycles to determine compliance time rather than calendar dates, which are used in the SB, because the unsafe condition is driven by cycles rather than time.

## FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of the short compliance times for HPC rotor stage 2–5 spools that are at or over the removal thresholds. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

## Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2013–0879 and Directorate Identifier 2013–NE–30–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

## Costs of Compliance

We estimate that this AD will affect two GE90 engines installed on airplanes of U.S. registry. There is no additional labor cost to comply with this AD. We estimate that the cost of a replacement HPC rotor stage 2–5 spool prorated part is $192,800. Based on these figures, we estimate the total cost of this AD to U.S. operators to be $385,600.

## 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 to the extent that it justifies making a regulatory distinction, and

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

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2013–24–17 General Electric Company:** Amendment 39–17694; Docket No. FAA–2013–0879; Directorate Identifier 2013–NE–30–AD.

**(a) Effective Date**

This AD is effective December 31, 2013.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to General Electric Company (GE) GE90–110B1 and GE90–115B turbofan engines with high pressure compressor (HPC) rotor stage 2–5 spools, part numbers (P/Ns) 351–103–106–0, 351–103–107–0, 351–103–141–0, 351–103–142–0, 351–103–144–0, 351–103–145–0, 351–103–148–0, 351–103–149–0, and 351–103–151–0, with spool serial numbers listed in paragraph 4, Appendix A of GE Service Bulletin (SB) No. GE90–100 S/B 72–0499, dated August 14, 2013.

**(d) Unsafe Condition**

This AD was prompted by reports of cracks in HPC rotor stage 2–5 spool aft spacer arms. We are issuing this AD to prevent failure of a critical life-limited rotating engine part, which could result in an uncontained engine failure and damage to the airplane.

**(e) Compliance**

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

**(f) Parts Removal**

Remove from service HPC rotor stage 2–5 spools with serial numbers listed in paragraph 4, Appendix A of GE SB No. GE90–100 S/B 72–0499, dated August 14, 2013, as follows:

(1) For spools with fewer than 4,500 cycles since new (CSN) on the effective date of this AD, before exceeding 5,000 CSN.

(2) For spools with 4,500 CSN or more but fewer than 5,200 CSN on the effective date of this AD, within an additional 500 cycles in service (CIS) after the effective date of this AD but not to exceed 5,500 CSN.

(3) For spools with 5,200 CSN or more but fewer than 5,600 CSN on the effective date of this AD, within an additional 300 CIS after the effective date of this AD but not to exceed 5,800 CSN.

(4) For spools with 5,600 CSN or more but fewer than 5,800 CSN on the effective date of this AD, within an additional 200 CIS after the effective date of this AD but not to exceed 5,850 CSN.

(5) For spools with 5,800 CSN or more but fewer than 6,000 CSN on the effective date of this AD, within an additional 50 CIS after the effective date of this AD but not to exceed 6,000 CSN.

(6) For spools with 6,000 CSN or more on the effective date of this AD, before the next flight.

(7) For spools that are not installed on the effective date of this AD and are subsequently installed onto any engine after the effective date of this AD, before exceeding 5,000 CSN.

**(g) Prohibition Statement**

After the effective date of this AD, do not install or re-install onto any engine any HPC rotor stage 2–5 spool with a serial number listed in paragraph 4, Appendix A of GE SB No. GE90–100 S/B 72–0499, dated August 14, 2013, that exceeds 5,000 CSN.

**(h) Alternative Methods of Compliance (AMOCs)**

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

**(i) Related Information**

For more information about this AD, contact Tomasz Rakowski, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7735; fax: (781) 238–7199; email: *tomasz.rakowski@faa.gov*.

**(j) 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) General Electric Company (GE) Service Bulletin No. GE90–100 S/B 72–0499, dated August 14, 2013.

(ii) Reserved.

(3) For GE service information identified in this AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: (513) 552–3272; email: *geae.aoc@ge.com*.

(4) You may view this service information at FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call (781) 238–7125.

(5) You may view this service information 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 Burlington, Massachusetts, on November 27, 2013.

**Carlos A. Pestana,**

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

[FR Doc. 2013–29055 Filed 12–13–13; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2013–0704; Directorate Identifier 2013–NM–074–AD; Amendment 39–17695; AD 2013–24–18]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 747–200B, –200C, –200F, –300, and 747SR series airplanes. This AD was prompted by reports of cracks of both lower chords and web on certain outboard struts. This AD requires repetitive inspections for cracking of the lower spar chords and web, web lower spar chord modification, which includes inspections for cracking of the lower spar chords, and repetitive post modification inspections for cracking of the lower spar web and chord; and applicable corrective actions. We are issuing this AD to prevent cracked chords and web on certain outboard struts, which, if the chord severs, could result in reduced structural integrity of the diagonal brace load path and of the strut-to-wing attachment, and

consequent separation of a strut and engine from the airplane during flight.

**DATES:** This AD is effective January 21, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 21, 2014.

**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 view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

## Examining the AD Docket

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

**FOR FURTHER INFORMATION CONTACT:** Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *nathan.p.weigand@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

## Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM published in the **Federal Register** on August 28, 2013 (78 FR 53078). The NPRM proposed to require repetitive inspections for cracking of the lower spar chords and web, web lower spar chord modification, which includes inspections for cracking of the lower spar chords, and repetitive post modification inspections for cracking of the lower spar web and chord; and applicable corrective actions.

## Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comment received. Boeing stated that it supports the NPRM (78 FR 53078, August 28, 2013).

## Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting the 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 53078, August 28, 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 53078, August 28, 2013).

## Costs of Compliance

We estimate that this AD affects 25 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 |
|---|---|---|---|---|
| Inspections | 27 work-hours × $85 per hour = $2,295 per inspection cycle. | $0 | $2,295 per inspection cycle. | $57,375 per inspection cycle. |
| Modification | 11 work-hours × $85 per hour = $935 | 95 | $1,030 | $25,750. |
| Post Modification Inspection. | 27 work-hours × $85 per hour = $2,295 per inspection cycle. | 0 | $2,295 per inspection cycle. | $57,375 per inspection cycle. |

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

## Authority for This Rulemaking

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

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

## Regulatory Findings

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

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

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

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

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

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

## List of Subjects in 14 CFR Part 39

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

## Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**2013–24–18 The Boeing Company:** Amendment 39–17695; Docket No. FAA–2013–0704; Directorate Identifier 2013–NM–074–AD.

**(a) Effective Date**

This AD is effective January 21, 2014.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to The Boeing Company Model 747–200B, 747–200C, 747–200F, 747–300, and 747SR series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–54A2237, dated March 14, 2013.

**(d) Subject**

Air Transport Association (ATA) of America Code 54, Nacelles/Pylons.

**(e) Unsafe Condition**

This AD was prompted by reports of cracks of both lower chords and web on certain outboard struts. We are issuing this AD to prevent cracked chords and web on certain outboard struts, which, if the chord severs, could result in reduced structural integrity of the diagonal brace load path and of the strut-to-wing attachment, and consequent separation of a strut and engine from the airplane during flight.

**(f) Compliance**

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

**(g) Initial and Repetitive Inspections**

Except as required by paragraph (j)(1) of this AD, at the compliance time specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–54A2237, dated March 14, 2013: Do a detailed inspection for cracking of the lower spar chords and web, a high frequency eddy current (HFEC) inspection for cracking of the lower spar chords, and all applicable repairs and modifications, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2237, dated March 14, 2013, except as required by paragraph (j)(2) of this AD. If no cracking is found, repeat the inspections thereafter at intervals not to exceed 600 flight cycles, until the actions specified in paragraph (h) of this AD have been accomplished. Do all applicable corrective actions before further flight. Accomplishing a repair and modification, including open-hole HFEC inspections for cracking and applicable corrective actions required by this paragraph terminates the actions required by paragraphs (g) and (h) of this AD for the repaired and modified strut only. The open-hole HFEC inspection for cracking must be done before the modification.

**(h) Inspection and Modification**

Except as required by paragraph (j)(1) of this AD, at the compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–54A2237, dated March 14, 2013: Do a detailed inspection for cracking of the lower spar chords and web, an HFEC inspection for cracking of the lower spar chords, a lower spar chord modification, including open-hole HFEC inspections for cracking in the chord and all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2237, dated March 14, 2013, except as required by paragraph (j)(2) of this AD. Do all applicable corrective actions before further flight. Doing the actions specified in this paragraph terminates the requirements of paragraph (g) of this AD for the modified strut only. The open-hole HFEC inspection for cracking must be done before the modification.

**(i) Post Modification Repetitive Inspections**

For airplanes on which a modification required by paragraph (g) or (h) of this AD has been done: At the compliance time specified in table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–54A2237, dated March 14, 2013, do a detailed inspection for any cracking of the lower spar web and chord, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2237, dated March 14, 2013, except as required by paragraph (j)(2) of this AD. Repeat the inspection thereafter at intervals not to exceed 18 months. Do all applicable corrective actions before further flight.

**(j) Exceptions**

(1) Where Boeing Alert Service Bulletin 747–54A2237, dated March 14, 2013, specifies a compliance time after the original issue date on the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Alert Service Bulletin 747–54A2237, dated March 14, 2013, specifies to contact Boeing for appropriate action: Before further flight, repair the crack using a method approved 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, 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 paragraph (l) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

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

**(l) Related Information**

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

**(m) Material Incorporated by Reference**

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

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

(i) Boeing Alert Service Bulletin 747–54A2237, dated March 14, 2013.

(ii) Reserved.

(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, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) You may view this service information at FAA, 1601 Lind Avenue SW., Renton, Washington. 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 November 26, 2013.

**Jeffrey E. Duven,**

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

[FR Doc. 2013–29051 Filed 12–13–13; 8:45 am]

BILLING CODE 4910–13–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA–2013–0688; Directorate Identifier 2012–NM–221–AD; Amendment 39–17683; AD 2013–24–09]**

**RIN 2120–AA64**

## Airworthiness Directives; EADS CASA (Type Certificate Previously Held by Construcciones Aeronáuticas, 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 EADS CASA (Type Certificate Previously Held by Construcciones Aeronáuticas, S.A.) Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, and C–212–DF airplanes. This AD was prompted by a report of the propeller pitch control (PPC) lever becoming disconnected from the engine due to a missing bolt. This AD requires modifying the PPC lever attachment system. We are issuing this AD to prevent PPC shaft disconnection, which could lead to a loss of propeller pitch control, possibly resulting in uncommanded change to the engine power settings and consequent reduced controllability of the airplane.

**DATES:** This AD becomes effective January 21, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 21, 2014.

**ADDRESSES:** You may examine the AD on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0688;* 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 EADS–CASA service information identified in this AD, contact EADS–CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 55 05; email *MTA.TechnicalService@casa.eads.net;* Internet *http://www.eads.net.* For Honeywell service information identified in this AD, contact Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034–2802; Internet: *http://portal.honeywell.com;* telephone: 800–601–3099. You may view this 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.

**FOR FURTHER INFORMATION CONTACT:** Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1112; 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 published in the **Federal Register** on August 13, 2013 (78 FR 49235). 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 Airworthiness Directive 2012–0251, dated November 27, 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:

> An occurrence was reported where the propeller pitch control (PPC) lever disconnected from the engine (a TPE331–10R–511C) on a C–212–CC aeroplane.
>
> The result of the subsequent investigation revealed that the PPC lever disconnection occurred due to a missing bolt, which fixes the clamp that joins the PPC lever to the PPC rod.
>
> This condition, if not corrected, could lead to a loss of an affected propeller pitch control, possibly resulting in uncommanded change to the engine power settings and consequent reduced control of the aeroplane.
>
> To address this potential unsafe condition, EADS–CASA developed a modification (mod 10515) that eliminates the possibility of PPC shaft disconnection and made this available through Service Bulletin SB–212–76–0009 to be applied in service.
>
> For the reasons described above, this [EASA] AD requires modification of PPC lever attachment system.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0688-0002.*

### Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 49235, August 13, 2013) or on the determination of the cost to the public.

### Explanation of Change Made to the AD

We have changed paragraph (c) of this AD to remove EADS CASA (Type Certificate previously held by Construcciones Aeronáuticas, S.A.) Model C–212–CF airplanes, which were included in the NPRM (78 FR 49235, August 13, 2013) in error.

### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD as proposed. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (78 FR 49235, August 13, 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 49235, August 13, 2013).

### Costs of Compliance

We estimate that this AD affects 42 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Modification | 20 work-hours × $85 per hour = $1,700 | $1,018 | $2,718 | $114,156 |

## 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 MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0688-0002;* 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:

**2013–24–09 EADS CASA (Type Certificate Previously Held by Construcciones Aeronáuticas, S.A.):** Amendment 39–17683. Docket No. FAA–2013–0688; Directorate Identifier 2012–NM–221–AD.

**(a) Effective Date**

This airworthiness directive (AD) becomes effective January 21, 2014.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to EADS CASA (Type Certificate previously held by Construcciones Aeronáuticas, S.A.) Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, and C–212–DF airplanes; certificated in any category; all serial numbers, except those that have been modified in production to incorporate EADS CASA Modification 10515.

**(d) Subject**

Air Transport Association (ATA) of America Code 76, Engine Controls.

**(e) Reason**

This AD was prompted by a report of the propeller pitch control (PPC) lever becoming disconnected from the engine due to a missing bolt. We are issuing this AD to prevent PPC shaft disconnection, which could lead to a loss of propeller pitch control, possibly resulting in uncommanded change to the engine power settings and consequent reduced controllability of the airplane.

**(f) Compliance**

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

**(g) Modification**

Within 24 months after the effective date of this AD, modify the PCC lever attachment system of the aircraft engine, in accordance with the Accomplishment Instructions of EADS–CASA Service Bulletin SB–212–76–0009, Revision 1, dated August 03, 2012.

**Note 1 to paragraph (g) of this AD:** EADS–CASA Service Bulletin SB–212–76–0009, Revision 1, dated August 03, 2012, refers to Honeywell Service Bulletin TPE331–72–2190, dated December 21, 2011, as an additional source of guidance for modifying the cam assembly.

**(h) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, ANM–116, International Branch, 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: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1112; 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.

**(i) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2012–0251, dated November 27, 2012, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0688-0002.*

(2) Honeywell service information referenced in this AD can be obtained from Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034–2802; Web site: *http://portal.honeywell.com;* or call Honeywell toll free at phone: 800–601–3099 (U.S./Canada) or 602–365–3099 (International Direct).

**(j) 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 this AD specifies otherwise.

(i) EADS–CASA Service Bulletin SB–212–76–0009, Revision 1, dated August 03, 2012.

(ii) Reserved.

(3) For EADS–CASA service information identified in this AD, contact EADS–CASA,

Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 55 05; email *MTA.TechnicalService@casa.eads.net*; Internet *http://www.eads.net.*

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

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

Issued in Renton, Washington, on November 15, 2013.

**John Piccola,**

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

[FR Doc. 2013–29050 Filed 12–13–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2013–0586; Airspace Docket No. 13–ASW–11]**

## Amendment of Class E Airspace; Gainesville, TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace at Gainesville, TX. Decommissioning of the Gainesville non-directional beacon (NDB) at Gainesville Municipal Airport has made reconfiguration necessary for standard instrument approach procedures and for the safety and management of Instrument Flight Rule (IFR) operations at the airport.

**DATES:** *Effective date:* 0901 UTC, February 6, 2014. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

**SUPPLEMENTARY INFORMATION:**

### History

On August 26, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace for the Gainesville, TX, area, creating additional controlled airspace at Gainesville Municipal Airport (78 FR 52714) Docket No. FAA–2013–0586. 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 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace extending upward from 700 feet above the surface to for standard instrument approach procedures at Gainesville Municipal Airport, Gainesville, TX. Airspace reconfiguration to within a 6.6-mile radius of the airport, with a segment extending from the 6.6-mile radius to 10.4 miles north of the airport is necessary due to the decommissioning of the Gainesville NDB and the cancellation of the NDB approach. Controlled airspace is necessary for the safety and management of IFR operations at the airport. Geographic coordinates of the airport are updated to be in concert with the FAA's aeronautical database.

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

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

### Environmental Review

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

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

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

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

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

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

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, is amended as follows:

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

* * * * *

**ASW TX E5 Gainesville, TX [Amended]**

Gainesville Municipal Airport, TX
(Lat. 33°39′08″ N., long. 97°11′50″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile

radius of Gainesville Municipal Airport, and within 1 mile each side of the 001° bearing from the airport extending from the 6.6-mile radius to 10.4 miles north of the airport.

Issued in Fort Worth, Texas, on November 27, 2013.

**David P. Medina,**

*Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2013–29325 Filed 12–13–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2013–0255; Airspace Docket No. 13–ACE–4]**

## Amendment of Class E Airspace; Chariton, IA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace at Chariton, IA. Decommissioning of the Chariton non-directional beacon (NDB) at Chariton Municipal Airport has made reconfiguration necessary for standard instrument approach procedures and for the safety and management of Instrument Flight Rule (IFR) operations at the airport.

**DATES:** *Effective date:* 0901 UTC, February 6, 2014. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

**SUPPLEMENTARY INFORMATION:**

### History

On August 5, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace for the Chariton, IA, area, creating additional controlled airspace at Chariton Municipal Airport (78 FR 47237) Docket No. FAA–2013–0255. 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 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace extending upward from 700 feet above the surface to for standard instrument approach procedures at Chariton Municipal Airport, Chariton, IA. Airspace configuration is necessary due to the decommissioning of the Chariton NDB and the cancellation of the NDB approach, and enhances the safety and management of IFR operations at the airport.

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

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

### Environmental Review

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

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air)

### Adoption of the Amendment

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

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

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

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

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface*

* * * * *

**ACE IA E5 Chariton, IA [Amended]**

Chariton Municipal Airport, IA
(Lat. 41°01′11″ N., long. 93°21′35″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Chariton Municipal Airport

Issued in Fort Worth, Texas, on November 27, 2013.

**David P. Medina,**

*Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2013–29323 Filed 12–13–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2013–0607; Airspace Docket No. 13–ACE–13]**

## Establishment of Class E Airspace; Loup City, NE

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

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

**DATES:** Effective date: 0901 UTC, February 6, 2014. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

**SUPPLEMENTARY INFORMATION:**

## History

On August 16, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace for the Loup City, NE, area, creating controlled airspace at Loup City Municipal Airport (78 FR 49986) Docket No. FAA–2013–0607. 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 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

## The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 7.7-mile radius of Loup City Municipal Airport, Loup City, NE to contain aircraft executing new standard instrument approach procedures at the airport. Controlled airspace enhances the safety and management of IFR operations at the airport.

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

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

## Environmental Review

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

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## Adoption of the Amendment

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

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

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

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

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, is amended as follows:

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

* * * * *

**ACE NE E5 Loup City, NE [New]**

Loup City Municipal Airport, NE
(Lat. 41°17′12″ N., long. 98°59′25″ W.)

That airspace extending upward from 700 feet above the surface within a 7.7-mile radius of Loup City Municipal Airport.

Issued in Fort Worth, Texas, on November 27, 2013.

**David P. Medina,**

*Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2013–29316 Filed 12–13–13; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2012–1186; Airspace Docket No. 12–ASO–32]**

## Establishment of Class E Airspace; Chatom, AL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E Airspace at Chatom, AL, to accommodate the Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures at Roy Wilcox Airport. This action enhances the safety and management of Instrument Flight Rules (IFR) operations at the airport. Geographic coordinates are also updated.

**DATES:** Effective 0901 UTC, February 6, 2014. 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 September 4, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Chatom, AL (78 FR 54412) Docket No. FAA–2012–1186. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, the FAA found an error in the geographic coordinates of Roy Wilcox Airport. This action makes the correction. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, 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 the Class E airspace extending upward from the surface within a 6.5-mile radius at Roy Wilcox Airport, Chatom, AL, providing the controlled airspace required to accommodate the new RNAV (GPS) Standard Instrument Approach Procedures developed at the airport. The geographic coordinates of the airport also are adjusted to be in concert with the FAAs aeronautical database.

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 Roy Wilcox Airport, Chatom, AL.

**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 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, effective September 15, 2013, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

* * * * *

**ASO AL E5 Chatom, AL [New]**

Roy Wilcox Airport, AL
(Lat. 31°27′06″ N., long. 88°11′40″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Roy Wilcox Airport.

* * * * *

Issued in College Park, Georgia, on November 20, 2013.

**Kip B. Johns,**

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

[FR Doc. 2013–29321 Filed 12–13–13; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA–2013–0786; Airspace Docket No. 12–AAL–13]**

## Establishment of Class E Airspace; Donlin Creek, AK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Donlin Creek, AK, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures at Donlin Creek Airport. This improves the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** *Effective date:* 0901 UTC, February 6, 2014. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4517.

**SUPPLEMENTARY INFORMATION:**

**History**

On September 24, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish controlled airspace at Donlin Creek, AK (78 FR 58490). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Except for minor editorial changes, this rule is the same as proposed in the NPRM.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

## The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the within a 2-mile radius of Donlin Creek Airport, and within 2-miles each side of the 312° bearing extending from the 2-mile radius to 8.5-miles northwest of the airport to accommodate new RNAV (GPS) standard instrument approach procedures at the airport. This action is necessary for the safety and management of IFR operations.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 discusses 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 Donlin Creek Airport, Donlin Creek, AK.

## Environmental Review

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

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## Adoption of the Amendment

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

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

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

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

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013 is amended as follows:

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

* * * * *

**AAL AK E5 Donlin Creek, AK [New]**

Donlin Creek Airport, AK
(Lat. 62°01′57″ N., long. 158°14′11″ W.)

That airspace extending upward from 700 feet above the surface within a 2-mile radius of Donlin Creek Airport, and within 2-miles each side of the 312° bearing extending from the 2-mile radius to 8.5-miles northwest of the airport.

Issued in Seattle, Washington, December 2, 2013.

**Clark Desing,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2013–29319 Filed 12–13–13; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2013–0657; Airspace Docket No. 13–AGL–24]**

## Revocation of Class E Airspace; Danville, IL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action removes Class E airspace at Danville, IL. The FAA has determined that, because of changes in the composition of flight operations at Vermilion Regional Airport, a Class E surface area is no longer needed to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** *Effective date:* 0901 UTC, February 6, 2014. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

**SUPPLEMENTARY INFORMATION:**

## History

On August 26, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to revoke Class E airspace for the Danville, IL, area, removing controlled airspace at Vermilion Regional Airport (78 FR 52718) Docket No. FAA–2013–0657. 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 6002 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

## The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by removing Class E airspace designated as a surface area at Vermilion Regional Airport, Danville, IL. Curtailment of scheduled air taxi service and changes in airport usage has rendered this airspace unnecessary 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. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated

impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

**Environmental Review**

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

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air)

**Adoption of the Amendment**

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

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

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

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

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, is amended as follows:

*Paragraph 6002 Class E airspace designated as surface areas.*

* * * * *

**AGL IL E2 Danville, IL [Removed]**

Issued in Fort Worth, Texas, on November 27, 2013.

**David P. Medina,**

*Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2013–29318 Filed 12–13–13; 8:45 am]

BILLING CODE 4910–13–P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 14 CFR Parts 1204, 1230, and 1232

**[Docket Number: NASA 2013–0004]**

**RIN 2700–AE11**

## Removal of Redundant Regulations

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Direct final rule.

**SUMMARY:** This direct final rule makes nonsubstantive changes by removing redundant regulatory language that is already captured in statues that govern NASA activities related to delegation of authority of certain civil rights functions, protection of human subjects, and care and use of animals in the conduct of NASA activities. Therefore, NASA regulations will be streamlined to make reference to those statutes.

**DATES:** This direct final rule is effective on February 14, 2014. Comments are due on or before January 15, 2014. If adverse comments are received, NASA will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** Comments must be identified with RIN 2700–AE11 and may be sent to NASA via the *Federal E-Rulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Please note that NASA will post all comments on the Internet with changes, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Nanette Jennings, 202–358–0819.

**SUPPLEMENTARY INFORMATION:**

**Direct Final Rule Adverse Comments**

NASA has determined this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes to remove redundant regulatory language in 14 CFR 1204.508 and Parts 1230 and 1232 that is already captured in statutes and regulations that govern NASA activities related to delegation of authority of certain civil rights functions, protection of human subjects, and care and use of animals in the conduct of NASA activities. Therefore, Section 1204.508 and Parts 1230 and 1232 will be streamlined to make reference to the governing statutes and regulations. No opposition to the changes and no significant adverse comments are expected. However, if the Agency receives a significant adverse comment, it will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

**Background**

On January 18, 2011, President Obama signed Executive Order 13563, Improving Regulation and Regulatory Review, directing agencies to develop a plan for a retrospective analysis of existing regulations. NASA developed its plan and published it on the Agency's open Government Web site at *http://www.nasa.gov/open/*. The Agency conducted an analysis of its existing regulations to comply with the Order and determined that Section 1204. 508, *Delegation of Authority of Certain Civil Rights Functions to Department of Health, Education, and Welfare,* Part 1230, *Protection of Human Subjects,* and Part 1232, *Care and Use of Animals in the Conduct of NASA Activities,* are redundant to governing statutes and regulations, and therefore need to be streamlined.

*Section 1204.508, Delegation of Authority of Certain Civil Rights Functions to Department of Health, Education, and Welfare*—The Civil Rights Act of 1964 (Pub. L. 88–352) prohibited discrimination in a host of areas, including employment and Federally-assisted programs and activities. To comply with this Act, NASA promulgated section 1204.508 [32 FR 3883] on March 9, 1967. Additionally, to implement the provisions of this Act, the Agency promulgated internal policies and requirements, as well as entered into a memorandum of understanding (MOU) with the Department of Education (DOED) on November 12, 1987. Because

Section 1204.508 is redundant to the Act and the Act alone sufficiently governs NASA activities related to delegation of authority of certain civil rights functions, Section 1204.508 will be streamlined to make reference to this Act, as well as NASA internal policies and requirements and the MOU with the DOED.

*Part 1230, Protection of Human Subjects*—45 CFR Part 46, Protection of Human Subjects, applies to all research involving human subjects conducted, supported, or otherwise subject to regulation by any Federal department or agency which takes appropriate administrative action to make the policy applicable to such research. To comply with Part 46, NASA promulgated Part 1230 [56 FR 28012] on June 18, 1991. Additionally, to implement the provisions of Part 46, the Agency promulgated internal policies and requirements. Because Part 1230 is redundant to (couldn't get the below line to move up) Part 46 and this regulation alone sufficiently governs NASA activities related to human research subjects, Part 1230 will be streamlined to make reference to Part 46, as well as NASA's internal policies and requirements.

*Part 1232, Care and Use of Animals in the Conduct of NASA Activities*—The Animal Welfare Act of 1966 (Pub. L. 89–544) requires that minimum standards of care and treatment be provided for certain animals bred for use in research. To comply with this Act, NASA promulgated Part 1232 [54 FR 35870] on August 30, 1989. Additionally, to implement the provision of this Act, the Agency promulgated internal policies and requirements. Because Part 1232 is redundant to this Act and the Act alone sufficiently governs NASA activities related to care and use of animals, Part 1232 will be streamlined to make reference to this Act, as well as NASA's internal policies and requirements.

**Statutory Authority**

The National Aeronautics and Space Act (the Space Act), 51 U.S.C. 20113 (a), authorizes the Administrator of the National Aeronautics and Space Administration (NASA) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.

**Regulatory Analysis**

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

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated as ''not significant'' under section 3(f) of Executive Order 12866.

*Review Under the Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. This requirement does not apply if the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities'' (5 U.S.C. 605). This rule removes redundant regulatory language in one section and two parts from Title 14 of the CFR and, therefore, does not have a significant economic impact on a substantial number of small entities.

*Review Under the Paperwork Reduction Act*

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

*Review Under Executive Order of 13132*

Executive Order 13132, Federalism, 64 FR 43255 (August 4, 1999) requires regulations be reviewed for Federalism effects on the institutional interest of states and local Governments, and, if the effects are sufficiently substantial, preparation of the Federal assessment is required to assist senior policy makers. The amendments will not have any substantial direct effects on state and local Governments within the meaning of the Executive Order. Therefore, no Federalism assessment is required.

**List of Subjects in 14 CFR Parts 1204, 1230, and 1232**

Federal buildings and facilities, human research subjects, animal welfare, and research.

For reasons set forth in the preamble, NASA amends 14 CFR parts 1204, 1230, and 1232 as follows:

## PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

■ 1. The authority citation for part 1204, subpart 5 continues to read as follows:

**Authority:** 51 U.S.C. 20113.

**§ 1204.508 [Revised]**

■ 2. Revise § 1204.508 as follows:

**§ 1204.508 Delegation of authority of certain civil rights functions to Department of Education.**

It is the National Aeronautics and Space Administration's (NASA) policy to comply with the Civil Rights Act of 1964 (Pub. L. 88–352) that prohibits discrimination in a host of areas, including employment and Federally-assisted programs and activities. To implement the provisions of this Act, NASA promulgated the following internal policies and requirements, and entered into a memorandum of understanding (MOU) with the Department of Education to ensure compliance:

(a) NASA Policy Directive (NPD) 2081.1, Nondiscrimination in Federally Assisted and Conducted Programs of NASA, describes the Agency's policy to ensure nondiscrimination in Federally-assisted and conducted programs of NASA, nondiscrimination in Federally-conducted education and training programs, and access for individuals with disabilities to Federal electronic and information technology. NPD 2081.1 is accessible at *http://nodis3.gsfc.nasa.gov/;*

(b) NASA Procedural Requirements (NPR) 2081.1, Nondiscrimination in Federally Assisted and Conducted Programs, describes the requirements for processing complaints of discrimination, conducting civil rights compliance reviews, and internal functional equal opportunity reviews. NPR 2081.1 is accessible at *http://nodis3.gsfc.nasa.gov/;* and

(c) Memorandum of Understanding between NASA and the Department of Education delegates both the agencies as responsible for specific civil rights compliance duties with respect to elementary and secondary schools, and institutions of higher education. The MOU can be accessed at *http://odeo.hq.nasa.gov/documents/DOEd-NASA_MOU.pdf.*

■ 3. Revise Part 1230 to read as follows:

## PART 1230—PROTECTION OF HUMAN SUBJECTS

Sec.
1230.101 Scope.
1230.102 Applicability.
1230.103 Policy.

**Authority:** 5 U.S.C. 301; 45 CFR part 46.

### § 1230.101 Scope.

This Part establishes general policy for the protection of human subjects, which is of primary importance in the conduct of any human research, as specified under 5 U.S.C. 301; 45 CFR part 46, subpart A.

### § 1230.102 Applicability.

This Part applies to NASA Headquarters and NASA Centers, including Component Facilities, and Technical and Service Support Centers for all research involving humans subjects conducted, supported, or otherwise subject to regulations by any Federal department or agency which takes appropriate administrative action to make the policy applicable to such research.

### § 1230.103 Policy.

It is the National Aeronautics and Space Administration's (NASA) policy to comply with 45 CFR part 46, subpart A, Protection of Human Subjects, which applies to all research conducted involving human subjects. To implement the provisions of 45 part 46, subpart A, NASA promulgated the following internal policies and requirements:

(a) NPD 7100.8, Protection of Human Research Subjects, describes the Agency's policy for human research conducted or supported, whether on the ground, in aircraft, or in space. NPD 7100.8 can be accessed at *http://nodis3.gsfc.nasa.gov/;* and

(b) NPR 7100.1, Protection of Human Research Subjects, describes the requirements for the Agency to conduct or support research involving human subjects. NPR 7100.1 can be accessed at *http://nodis3.gsfc.nasa.gov/.*

■ 4. Revise Part 1232 to read as follows:

## PART 1232—CARE AND USE OF ANIMALS IN THE CONDUCT OF NASA ACTIVITIES

Sec.
1232.100 Scope.
1232.101 Applicability.
1232.102 Policy.

**Authority:** 51 U.S.C. 20102, 51 U.S.C. 20113; Pub. L. 89–544, as amended; 7 U.S.C. 2131; 39 U.S.C. 3001; and Pub. L. 99–158, Sec. 495.

### § 1232.100 Scope.

This part establishes general policy for the care and use of vertebrate animals in the conduct of NASA activities.

### § 1232.101 Applicability.

This part applies to NASA Headquarters and NASA Centers, including Component Facilities, and Technical and Service Support Centers and will be followed in all activities using animal subjects that are supported by NASA and conducted in NASA facilities, aircraft, or spacecraft, or activities, using animal subject conducted under a contract, grant, cooperative agreement, memorandum of understanding, or joint endeavor agreement entered into by NASA and another Government agency, private entity, non-Federal public entity, or foreign entity which are included within the scope of this part.

### § 1232.102 Policy.

It is the National Aeronautics and Space Administration's (NASA) policy to comply with the Animal Welfare Act of 1966 (Pub. L. 89–544) which requires that minimum standards of care and treatment be provided for certain animals bred for use in research. To implement the provisions of this Act, NASA promulgated the following internal policies and requirements:

(a) NASA Policy Directive (NPD) 8910.1, Care and Use of Animals, describes the policy and responsibilities for conducting activities involving vertebrate animals. NPD 8910.1 is accessible at *http://nodis3.gsfc.nasa.gov/;* and

(b) NASA Procedural Requirements (NPR) 8910.1, Care and Use of Animals, delineates the responsibilities and implements requirements for the Agency's use of animals in research, testing, teaching, and hardware development activities. NPR 8910.1 is accessible is access at *http://nodis3.gsfc.nasa.gov/.*

**Charles F. Bolden, Jr.,**

*Administrator.*

[FR Doc. 2013–29475 Filed 12–13–13; 8:45 am]

BILLING CODE 7510–13–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Part 558

**[Docket No. FDA–2012–N–0002]**

## New Animal Drugs for Use in Animal Feeds; Bambermycins

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to remove dairy replacement heifers from the pasture cattle class for which free-choice, loose-mineral medicated feeds containing bambermycins are approved. This action is being taken because a level of selenium for inclusion in such feeds has not been established for dairy cattle under the food additive regulation for selenium.

**DATES:** This rule is effective December 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Amey L. Adams, Center for Veterinary Medicine (HFV–120), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8108, email: *amey.adams@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** FDA has noticed that the animal drug regulations for bambermycins free-choice, loose-mineral Type C medicated feeds for pasture cattle (slaughter, stocker, and feeder cattle; and dairy and beef replacement heifers) specify formulations including trace mineral premixes that include selenium. However, the food additive regulation for selenium in salt-mineral mixtures for free-choice feeding (21 CFR 573.920(c)(3)) does not provide for use in dairy cattle. For this reason, FDA is revising the regulations to remove dairy replacement heifers from the pasture cattle class for which free-choice medicated feeds containing bambermycins are approved. This action is being taken to improve the accuracy of the regulations.

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 in 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 part 558 is amended as follows:

## PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

■ 2. In § 558.95, revise the introductory text in paragraphs (d)(4)(iii) and (d)(4)(iv), and the first sentence in paragraph (d)(4)(iii)(*d*) to read as follows:

**§ 558.95 Bambermycins.**

* * * * *

(d) * * *

(4) * * *

(iii) Used as a free-choice Type C medicated loose-mineral feed for pasture cattle (slaughter, stocker, and feeder cattle; and beef replacement heifers) as follows:

* * * * *

(*d*) *Limitations.* For free-choice feeding to pasture cattle (slaughter, stocker, and feeder cattle; and beef replacement heifers). * * *

(iv) Use free-choice Type C medicated feeds for pasture cattle (slaughter, stocker, and feeder cattle; and beef replacement heifers) as follows:

* * * * *

Dated: December 11, 2013.

**Bernadette Dunham,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 2013–29810 Filed 12–13–13; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF DEFENSE

## Department of the Army, Corps of Engineers

## 33 CFR Part 334

## Pacific Ocean off the Pacific Missile Range Facility at Barking Sands, Island of Kauai, Hawaii; Danger Zone.

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Corps of Engineers is amending its regulations for the danger zone in waters of the Pacific Ocean off the Pacific Missile Range Facility at Barking Sands, Island of Kauai, Hawaii. The U.S. Navy conducts weapon systems testing and other military testing and training activities at the Pacific Missile Range Facility. The amendment expands the boundaries of the existing danger zone to include an area necessary to protect the public from potential hazards associated with weapon systems testing, other military testing and training activities, and increased threat conditions. Similar to the original danger zone, the expanded danger zone prohibits any activity by the public within the danger zone during range operations, weapon systems testing, other military testing and training activities, increases in force protection and other mission-essential evolutions without first obtaining permission from the Commanding Officer, Pacific Missile Range Facility to ensure public safety and/or installation good order. The expanded danger zone extends along approximately seven miles of shoreline adjacent to the Pacific Missile Range Facility, with its seaward extent ranging between 2.96 and 4.16 nautical miles offshore. Only the portions of the danger zone necessary to safely conduct range operations will be activated.

**DATES:** *Effective date:* January 15, 2014.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922, or Ms. Susan Meyer, Corps of Engineers, Honolulu District, Regulatory Branch at 808–835–4599 or by email at *susan.a.meyer@usace.army.mil*.

**SUPPLEMENTARY INFORMATION:**

### Background

Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps of Engineers is amending the regulations at 33 CFR 334.1390 by expanding the boundaries of the existing permanent danger zone in the waters of the Pacific Ocean off the Pacific Missile Range Facility at Barking Sands, Island of Kauai, Hawaii.

The proposed rule was published in the July 1, 2013 issue of the **Federal Register** (78 FR 39198; docket number COE–2013–0007). Comments and statements were received from nine commenters in response to the **Federal Register** notice and the Corps of Engineers local Public Notice. The majority of the commenters opposed the expansion of the existing danger zone based on concerns that public access to the beach fronting the Pacific Missile Range Facility and the off-shore waters used by waterborne recreationalists, such as surfers, boaters, and fishermen, would be further restricted as a result of the amended danger zone.

The expansion of the danger zone boundaries will not increase the frequency with which the danger zone is activated for public safety and military security during range operations, weapon systems testing, other military testing and training activities, increases in force protection, and other mission-essential evolutions. Residents and visitors who typically use these waters off Pacific Missile Range Facility should not see any change in practice; the danger zone will continue to be activated only in limited circumstances and on a temporary basis. The intent of the danger zone is to ensure public access is controlled during the infrequent times of increased force protection, range operations, weapon systems training, and other military testing and training activities to minimize the potential for injury to individuals and property.

In addition, the State of Hawaii, Coastal Zone Management Program commented that the proposed federal action to amend the danger zone is subject to federal consistency review under the Coastal Zone Management Act of 1972 and therefore, requires the U.S. Navy to obtain concurrence from the state that the federal activity is consistent with the policies of the Hawaii Coastal Zone Management Program.

The U.S. Navy prepared a federal consistency determination for the proposed federal action and coordinated the document with the State of Hawaii Coastal Zone Management Program. In a letter dated September 13, 2013, the Hawaii Coastal Zone Management Program office concurred with the U.S. Navy's consistency determination, indicating the proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Hawaii Coastal Zone Management Program.

### Procedural Requirements

*a. Review Under Executive Order 12866*

This final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

*b. Review Under the Regulatory Flexibility Act*

This final rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps determined

that the amendment of this danger zone has practically no economic impact on the public, no anticipated navigational hazard, or interference with existing waterway traffic. This final rule will have no significant economic impact on small entities.

*c. Review Under the National Environmental Policy Act*

Due to the administrative nature of this action and because there is no intended change in the use of the area, the Corps determined this amendment to the regulation will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. An environmental assessment (EA) was prepared after the public notice period closed and all comments received from the public were considered. The environmental assessment may be viewed at the District office listed at the end of the **FOR FURTHER INFORMATION CONTACT** section, above.

*d. Unfunded Mandates Act*

This final rule does not impose an enforceable duty among the private sector and, therefore, it is not a Federal private sector mandate and it is not subject to the requirements of either Section 202 or Section 205 of the Unfunded Mandates Act. The Corps has also found under Section 203 of the Act, that small governments will not be significantly and uniquely affected by this rulemaking.

**List of Subjects in 33 CFR Part 334**

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps amends 33 CFR part 334 as follows:

## PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Revise § 334.1390 to read as follows:

### § 334.1390 Pacific Ocean off the Pacific Missile Range Facility at Barking Sands, Island of Kauai, Hawaii; danger zone.

(a) *The danger zone.* All navigable waters within an area beginning at a point on the shore at latitude 22°04′13.65″ N, longitude 159°46′30.76″ W; and continue south along the shoreline to latitude 21°58′42.77″ N, and longitude 159°45′26.35″ W. Thence extending southwest to latitude 21°56′6.00″ N, and longitude 159°46′55.91″ W extending northwest to latitude 21°58′59.81″ N and longitude 159°50′51.42″ W, continuing north to latitude 22°02′28.09″ N, and longitude 159°51′28.15″ W, and continuing northeast to latitude 22°06′ 30.71″ N, longitude 159°49′20.43″ W; and thence to point of beginning. All coordinates reference 1983 North American Datum (NAD 83).

(b) *The regulations.* (1) Dredging, dragging, seining, and other similar operations within the danger zone are prohibited.

(2) All persons, boats, vessels, or other craft are prohibited from entering, transiting, or remaining within the danger zone during range operations, test and training activities, or increases in force protection that pose a hazard to the general public, as determined by the enforcing agency. The enforcing agency's determination of the necessity of closing the danger zone due to increases in force protection will be based on the Department of Defense Force Protection Condition (FPCON) System. From the lowest security level to the highest, FPCON levels are titled Normal, Alpha, Bravo, Charlie and Delta.

(3) Closure of the danger zone will be indicated by Notice to Mariners, the presence of Pacific Missile Range Facility range boats, beach markings including beach signs along the north and south beach borders alerting shoreline foot traffic, security patrols, and radio transmissions on common ocean frequencies to include Marine band channel 6 (156.300 Mhz), Marine band channel 16 (156.800 Mhz), and CB channel 22. The enforcing agency will post the danger zone closure schedule on its official Navy Web site, *http://www.cnic.navy.mil/PMRF/,* and Facebook page, *http://www.facebook.com/PacificMissileRangeFacility*. The danger zone closure schedule may also be obtained by calling the following phone numbers: 808–335–4301, 808–335–4388, and 808–335–4523.

(4) Consistent with paragraph (b)(2) of this section, the enforcing agency is authorized to prohibit access into the danger zone by anyone, and all willful violations of the enforcing agency's prohibitions are punishable under 33 U.S.C. 3.

(c) *The enforcing agency.* The regulations in this section shall be enforced by the Commanding Officer, Pacific Missile Range Facility, Hawaii and such agencies or persons as he or she may designate.

Dated: December 11, 2013.

**James R. Hannon,**

*Chief, Operations and Regulatory Directorate of Civil Works.*

[FR Doc. 2013–29878 Filed 12–13–13; 8:45 am]

BILLING CODE 3720–58–P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 17

**RIN 2900–AO46**

## Authorization for Non-VA Medical Services

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This Department of Veterans Affairs (VA) rulemaking amends VA's regulations regarding payment by VA for medical services under VA's statutory authority for non-VA medical care. In the **Federal Register** on November 28, 2012, VA proposed to remove an outdated regulatory limitation on veterans' eligibility to be referred for non-VA medical care. On the same date, VA also published a companion direct final rule that would have made the same amendments effective on January 28, 2013, if no significant adverse comments were received. Because VA received adverse comments on the direct final rule, VA is withdrawing it in a companion document in this issue of the **Federal Register.** This rulemaking includes VA's responses to comments on the proposed and direct final rules.

**DATES:** *Effective Date:* This rule is effective January 15, 2014.

**FOR FURTHER INFORMATION CONTACT:** Lisa Brown, Chief, Policy Management Department, Department of Veterans Affairs, Chief Business Office, Purchased Care, 3773 Cherry Creek North Drive, Suite 450, Denver, CO 80209 at (303) 331–7829. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** On November 28, 2012, VA proposed a rule in the **Federal Register,** at 77 FR 70967, to amend its regulations authorizing non-VA medical care. Under our non-VA medical care authority in 38 U.S.C. 1703, VA may provide certain hospital care (inpatient care) and medical services (outpatient care) for eligible veterans when VA facilities are not capable of providing economical services due to geographical inaccessibility or are not capable of providing the services needed. VA proposed to revise its existing regulation, at 38 CFR 17.52(a)(2)(ii), to

remove a limitation that barred VA from authorizing non-VA medical services for certain veterans who had not previously been furnished VA hospital care. Without this revision, these veterans were eligible for non-VA medical services under § 17.52(a)(2)(ii) to complete treatment of a nonservice-connected disability only if they had received VA hospital care for that disability.

On the same date, VA published a companion direct final rule at 77 FR 70893 that would have made the same amendments as those in the proposed rule effective on January 28, 2013, if no adverse public comments were received. The direct final rule and proposed rule each provided a 30-day comment period that ended on December 28, 2012. VA received comments on the proposed rule and direct final rule, including some adverse comments. VA is, therefore, withdrawing the direct final rule in a companion document in this issue of the **Federal Register**. VA addresses comments received on both the direct final and proposed rules in this action.

This final rule adopts the proposed rule without changes.

We received several comments urging VA to expand eligibility for non-VA medical care to allow all veterans the option of using the program for any needed treatment. VA lacks statutory authority to make this change. VA may provide non-VA medical care under 38 U.S.C. 1703 only in limited circumstances: When VA cannot provide economical hospital care or medical services because of geographic inaccessibility, or when VA facilities are not capable of providing the hospital care or medical services that a veteran needs. See 38 U.S.C. 1703(a). Further, if those conditions are met, VA has authority to provide non-VA medical care to a veteran only if the veteran meets the eligibility requirements set forth in section 1703. Thus, VA cannot make the changes these commenters request because to do so would be contrary to VA's statutory authority under 38 U.S.C. 1703.

One commenter who recommended that VA allow veterans to choose to receive care from private providers also stated that ''VA hospitals should be for emergency care and for those who are having operations and need weeks or months to recover, such as multi-trauma cases,'' suggesting that all other care should be referred to non-VA providers. We emphasize that the VA health care system does provide emergency medical services and hospital care to eligible veterans, including surgical services and acute inpatient polytrauma rehabilitation, as recommended by the commenter. By statute, the VA health care system must also provide ''a complete medical and hospital service for the medical care and treatment of veterans'' (38 U.S.C. 7301(b)) and therefore cannot reduce the availability of VA care in the manner suggested by the commenter. VA makes no changes based on this comment.

One commenter expressed support for this regulation and stated that veterans receiving non-VA emergency treatment would not need to be transferred from a non-VA hospital to a VA hospital to complete treatment. This comment does not accurately characterize the effect of this rulemaking. To clarify, this action only applies to the provision of non-VA medical services after the veteran has received VA care and the non-VA medical services are needed to complete the VA care.

One commenter stated that VA should not ''duplicat[e] medical services readily available by well qualified providers'' and that ''[m]any veterans are forced by current VA practices to utilize local medical services, even though the services are in theory available from the VA at other than a 'local' VA facility.'' This comment can be interpreted in two ways. One interpretation is that some veterans are forced to pay for their own care from community providers in order to avoid traveling when their local VA facilities refer them to VA facilities located in other geographic areas. Another interpretation is that VA refers veterans to community providers when care would be better provided at a VA facility. Neither interpretation is within the scope of this rulemaking. VA therefore does not make any changes to this rulemaking based on these comments.

The same commenter recommended that veterans' ''expenses in utilizing [Medicare] should be offset by VA reimbursement.'' We note that the VA health care system and Medicare are separate programs run under distinct statutory authorities. VA has no authority to reimburse Medicare beneficiaries for expenses they incur to obtain medical care under Medicare in the manner suggested by the commenter (*see* 42 U.S.C. 1395y(a)(3)). VA does not make any changes based on this comment.

One commenter asked whether this rulemaking would result in additional administrative burdens for veterans to obtain referrals or for providers to obtain payments for non-VA medical care. This rulemaking only removes a limitation; it does not create any new burdens or procedures. VA's regulations and policies pertaining to how veterans obtain referrals and how VA processes payments for non-VA medical care will remain the same. There will be no additional administrative burden on veterans or non-VA providers as a result of this rulemaking.

The majority of the comments that VA received on this rulemaking requested that VA allow hearing-aid specialists to perform diagnostic hearing evaluations for veterans. We received over one hundred comments on this issue. Some of the commenters requested to become recognized VA providers. VA allows only audiologists to perform such evaluations. We are not aware of any State that licenses hearing-aid specialists to perform such evaluations. VA will consider these comments internally as appropriate, but the request is outside the scope of this rulemaking, so we make no changes based on these comments.

VA received a comment expressing support for the proposed rule, but expressing concern about a draft request for proposals issued by VA for the procurement of non-VA medical care surgical services. This rulemaking affects only eligibility for non-VA medical services, and not VA's means of procuring such services. This comment, therefore, is outside of the scope of the regulation, and we make no changes based on it. VA will consider this comment in its evaluation of the draft request for proposals as appropriate.

VA received a comment expressing support for the proposed rule, but asking VA to remove ''a burdensome regulatory requirement that prescriptions for veterans must be written by a VA-affiliated provider for the veteran to obtain the prescription at the VA's discounted price. Instead, the VA should recognize the validity of a community-based physician's prescription.'' We do not make changes based on this comment because the issue is outside the scope of this regulation. VA will consider the recommendation internally as appropriate.

VA received one comment expressing support for the proposed rule and requesting that physicians certified by osteopathic boards of medicine be included in all VA activities concerning veterans' healthcare. This comment is outside the scope of this regulation, but no change is required for VA to fulfill the request because VA considers doctors of osteopathic medicine as physicians, and does not distinguish between physicians based on their types of degrees.

VA received one comment stating ''[v]ote no.'' Since the commenter did

not state a reason for disagreeing with this rulemaking, VA does not make any changes based on this comment.

In addition to the comments described above, VA received several comments expressing general support for the proposed rulemaking.

Based on the rationale set forth in the proposed rule and in this document, VA is adopting the provisions of the proposed rule as a final rule with no changes.

**Effect of Rulemaking**

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

**Paperwork Reduction Act**

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

**Regulatory Flexibility Act**

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule directly affects only individuals and will not directly affect small entities. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

**Executive Orders 12866 and 13563**

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB) as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www1.va.gov/orpm/,* by following the link for ''VA Regulations Published.''

**Unfunded Mandates**

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

**Catalog of Federal Domestic Assistance**

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.012, Veterans Prescription Service; 64.013, Veterans Prosthetic Appliances; 64.014, Veterans State Domiciliary Care; 64.015, Veterans State Nursing Home Care; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; 64.022, Veterans Home Based Primary Care; and 64.024, VA Homeless Providers Grant and Per Diem Program.

**Signing Authority**

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved this document on November 6, 2013 for publication.

**List of Subjects in 38 CFR Part 17**

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Government contracts, Grant programs—health, Government programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Veterans.

Dated: December 4, 2013.

**Robert C. McFetridge,**

*Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.*

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 17 as follows:

## PART 17—MEDICAL

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

**Authority:** 38 U.S.C. 501, and as noted in specific sections.

■ 2. Revise § 17.52(a)(2)(ii) to read as follows:

**§ 17.52 Hospital care and medical services in non-VA facilities.**

(a) * * *

(2) * * *

(ii) A veteran who has been furnished hospital care, nursing home care, domiciliary care, or medical services, and requires medical services to complete treatment incident to such care or services (each authorization for non-VA treatment needed to complete treatment may continue for up to 12 months, and new authorizations may be issued by VA as needed), and

* * * * *

[FR Doc. 2013–29311 Filed 12–13–13; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 17

**RIN 2900–AO47**

### Authorization for Non-VA Medical Services; Withdrawal

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) published a direct final rule in the **Federal Register** on November 28, 2012, that would have amended its regulations regarding payment by VA for medical services under VA's statutory authority to provide non-VA medical care. VA sought to remove an outdated regulatory limitation on veterans' eligibility to be referred for non-VA medical care. On the same date, VA also published a companion proposed rule containing the same amendments as the direct final rule. Because VA received adverse comments on this action, we are withdrawing the direct final rule. In a companion document in the **Federal Register,** VA is publishing a final rule that addresses comments received on the proposed and direct final rules.

**DATES:** The direct final rule published on November 28, 2013 (77 FR 70893), is withdrawn as of December 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Lisa Brown, Chief, Policy Management Department, Department of Veterans Affairs, Chief Business Office, Purchased Care, 3773 Cherry Creek North Drive, Suite 450, Denver, CO 80209 at (303) 331–7829. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** In a direct final rule published in the **Federal Register** on November 28, 2012, 77 FR 70893, VA would have amended its regulations authorizing non-VA medical care effective January 28, 2013. Under the non-VA medical care authority in 38 U.S.C. 1703, VA may provide certain hospital care (inpatient care) and medical services (outpatient care) for eligible veterans when VA facilities are not capable of providing necessary treatment due to geographical inaccessibility or are not capable of providing the services needed. The direct final rule would have revised VA's existing regulation, at 38 CFR 17.52(a)(2)(ii), to remove a limitation that barred VA from authorizing non-VA medical services for certain veterans who had not previously been furnished VA hospital care. Without this revision, these veterans were eligible for non-VA medical services under § 17.52(a)(2)(ii) to complete treatment of a nonservice-connected disability only if they had received VA hospital care for that disability.

VA published a companion proposed rule on the same date, at 77 FR 70967, proposing the same amendments as the direct final rule. The direct final rule and proposed rule each provided a 30-day comment period that ended on December 28, 2012. VA received comments on the proposed rule and direct final rule, including some adverse comments. VA is therefore withdrawing the direct final rule, ''Authorization for Non-VA Medical Services,'' RIN 2900–AO47, which did not become effective on January 28, 2013 because VA received adverse comments on the proposed rule and direct final rule during the 30-day comment period. VA is publishing a final rulemaking, ''Authorization for Non-VA Medical Services,'' RIN 2900–AO46, in this issue of the **Federal Register** that addresses comments received on both the direct final rule and the proposed rule. These actions are consistent with the procedures stated in the direct final rule and the proposed rule.

### Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved this document on November 6, 2013 for publication.

Dated: December 4, 2013.

**Robert C. McFetridge,**

*Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.*

[FR Doc. 2013–29312 Filed 12–13–13; 8:45 am]

**BILLING CODE 8320–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R05–OAR–2010–0566; FRL–9904–11–Region 5]**

### Approval and Promulgation of Air Quality Implementation Plans; Michigan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving revisions to the State of Michigan's Clean Air Act New Source Review (NSR) State Implementation Plan (SIP), including the Part 1 general provisions rules and the Part 19 rules for major sources in nonattainment areas. The Michigan Department of Environmental Quality (MDEQ) submitted the revisions to address, among other things, the Federal NSR reform rules. EPA is also removing Michigan rule 336.1220 from the Michigan SIP. This rule is being replaced by applicable language found in Michigan's Part 19 NSR rules. MDEQ submitted these revisions to EPA on March 24, 2009.

**DATES:** This final rule is effective on January 15, 2014.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2010–0566. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Constantine Blathras, Environmental Engineer, at (312) 886–0671 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Constantine Blathras, Environmental Engineer, Air Permit Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0671, *Blathras.constantine@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What action is EPA taking?
II. Statutory and Executive Order Reviews

### I. What action is EPA taking?

On February 6, 2013, EPA proposed approval of MDEQ's March 24, 2009 request to revise the Part 19 rules in its SIP (78 FR 8485) and announced a thirty day public comment period. EPA received comments generally supporting

the proposed approval. However, in its March 6, 2013 comment letter to EPA, MDEQ noted that the proposed approval did not address its request to rescind rule 336.1220 from its SIP.

On August 19, 2013, EPA proposed to rescind rule 226.1220 from the Michigan SIP (78 FR 50369). EPA also stated in the proposal that we would not be taking any action in this rulemaking on other Part 2 air use approval rule revisions. EPA received comments supporting the proposal to approve the Part 19 revisions and rescind rule 226.1220 from the SIP, and urging EPA to take action on the remaining Part 2 air use approval rule revisions. EPA will address Michigan's remaining Part 2 rule revisions in a separate rulemaking action.

EPA is approving the following Michigan air pollution control rules into the Michigan SIP: (1) Part 1, general provisions. Revisions include amendments to R336.1102 to R336.1105 (including R336.1103 and R.336.1104) (definitions: B, C, D, E); R336.1109 (definitions: I); R336.1112 to R336.1114 (definitions: L, M, N); and R336.1122 (definitions: V). These revisions were made to modify the definitions that impact the new NSR permitting rules in Part 19 as well as modify the definition of volatile organic compound. (2) Part 19, NSR for major sources impacting nonattainment areas. These revisions include changes to R336.2901 (definitions); R336.2901a (adoption by reference); R336.2902 (applicability); R336.2903 (additional permit requirements for sources impacting nonattainment areas); R336.2907 (plantwide applicability limits or PALs); and R336.2908 (conditions for approval of a major new source review permit in a nonattainment area). (3) Part 2. EPA is removing rule 336.1220. Although EPA proposed on February 6, 2013 to approve other revisions to Part 2 that Michigan had submitted on March 24, 2009, EPA is not currently taking any other action regarding Michigan's Part 2 rules in this action.

EPA has reviewed the rules MDEQ submitted on March 24, 2009, in light of the Federal nonattainment air quality permitting regulations found in 40 CFR 51.165(a) and (b). EPA has found that the rules as submitted by Michigan for inclusion into its SIP are at least as stringent as the Federal rules. The Federal rules found at 40 CFR 51.165(a) and (b) specify the elements necessary for approval of a State permit program for preconstruction review for nonattainment purposes under Part D of the Clean Air Act. A major source or major modification that would be located in an area designated as nonattainment and subject to the nonattainment area permitting rules must meet stringent conditions designed to ensure that the new source's emissions will be controlled to the greatest degree possible; that more than equivalent offsetting emission reductions will be obtained from existing sources; and that there will be progress toward achieving the National Ambient Air Quality Standards.

## II. 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 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 approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 14, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Clean Air Act.)

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 29, 2013.

**Susan Hedman,**

*Regional Administrator, Region 5.*

40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.1170 the table in paragraph (c) is amended by:

■ i. Revising the entries in ''Part 1. General Provisions'' for R 336.1102, R 336.1103, R 336.1104, R 336.1105, R 336.1109, R 336.1112, R 336.1113, R 336.1114, and R 336.1122.

■ ii. Amending ''Part 2. Air Use Approval'' by removing the entry for R 336.1220.

■ iii. Adding six new entries under a new heading ''Part 19. New Source Review for Major Sources Impacting Nonattainment Areas'' in numerical order.

The added and revised text reads as follows:

**§ 52.1170 Identification of plan.**

* * * * *

(c) * * *

EPA-APPROVED MICHIGAN REGULATIONS

| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| * | * | * | * | * |
| **Part 1. General Provisions** | | | | |
| * | * | * | * | * |
| R 336.1102 | Definitions; B | 3/28/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| R 336.1103 | Definitions; C | 3/28/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| R 336.1104 | Definitions; D | 3/28/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| R 336.1105 | Definitions; E | 3/28/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| * | * | * | * | * |
| R 336.1109 | Definitions: I | 3/28/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| R 336.1112 | Definitions; L | 3/28/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| R 336.1113 | Definitions: M | 3/28/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| R 336.1114 | Definitions; N | 3/28/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| * | * | * | * | * |
| R 336.1122 | Definitions; V | 3/28/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |

EPA-APPROVED MICHIGAN REGULATIONS—Continued

| Michigan citation | Title | State effective date | EPA approval date | Comments |
|---|---|---|---|---|
| * * | * | * | * * | * |
| **Part 19. New Source Review for Major Sources Impacting Nonattainment Areas** | | | | |
| R 336.2901 | Definitions | 6/20/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| R 336.2901a | Adoption by reference | 6/20/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| R 336.2902 | Applicability | 6/20/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| R 336.2903 | Additional permit requirements for sources impacting nonattainment areas. | 6/20/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| R 336.2907 | Plantwide applicability limits or PALs. | 6/20/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |
| R 336.2908 | Conditions for approval of a major new source review permit in a nonattainment area. | 6/20/2008 | 12/16/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]. | |

[FR Doc. 2013–29555 Filed 12–13–13; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

### 48 CFR Parts 211, 212, 218, 246, 252, and Appendix F to Chapter 2

**RIN 0750–AH64**

### Defense Federal Acquisition Regulation Supplement: Item Unique Identifier Update (DFARS Case 2011–D055)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update and clarify requirements for unique identification and valuation of items delivered under DoD contracts.

**DATES:** *Effective* December 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dustin Pitsch, telephone 571–372–6090.

**SUPPLEMENTARY INFORMATION:**

## I. Background

DoD published a proposed rule in the **Federal Register** at 77 FR 35921 on June 15, 2012. The comment period closed on August 14, 2012. This rule proposed to revise the prescription and the clause at DFARS 252.211–7003 to update and clarify instructions for the identification and valuation processes. Five respondents submitted public comments in response to the proposed rule.

## II. Discussion and Analysis

DoD reviewed the public comments in the development of the final rule. A discussion of the comments and the changes made to the rule as a result of those comments is provided, as follows.

### *A. Summary of Significant Changes*

The final rule incorporates the following significant changes from the proposed rule:

- Paragraphs 211.274–2(a)(2) and (3) are revised to consolidate requirements.
- The definition of ''data matrix'' within the clause at 252.211–7003 is modified from the proposed rule to clarify the specification with which contractors must comply.
- The words ''at its own expense'' at 252.211–7003(c)(1)(v) are removed as a result of a public comment.
- The statement ''or registered in the DoD Item Unique Identification Registry'' is added at 252.211–7003(c)(2).
- The phrase ''ECC200 data matrix specification'' is added at 252.211–7003(c)(3) to note the exact specification within the listed standard.
- 252.211–7003(c)(5)(D) is revised to read ''Verify that the marks on items and labels on shipments, storage containers, and packages are machine readable and conform to the applicable standards. The contractor shall use an automatic identification technology device for this verification that has been programmed to the requirements of Appendix A, MIL–STD–130, latest version.''
- 252.211–7003(f)(1) is revised to include the sentence ''If WAWF is not required by this contract, and the contractor is not using WAWF, follow the procedure at *http://dodprocurementtoolbox.com/site/uidregistry/*.''
- 252.211–7003(f)(2)(ii) is revised to clarify that a fill-in is necessary when this circumstance applies.
- Changes previously proposed to update the Web site at 252.225–7039(b)(1)(ii)(B) are no longer required as DFARS final rule 2013–D037 published November 18, 2013 deleted this clause as coverage is now located in the FAR.
- In Appendix F–103(e)(1), the last sentence is revised to read ''WAWF

shall be used to report Unique Item Identifiers (UIIs) at the line item level, unless an exception to WAWF applies, and can also be used to report UIIs embedded at the line item level.''

• In Appendix F paragraph F–301(b)(18)(i), the fifth sentence in this paragraph is revised to read: ''However, if the contract has Item Unique Identification (IUID) requirements and the receiving report is being processed in WAWF the unit price must represent the acquisition cost that will be recorded in the IUID registry.'' This change is being made to ensure the instructions in Appendix F conform to the coverage in the clause.

*B. Analysis of Public Comments*

1. Commercial Provision/Clause List

*Comment:* One respondent noted that DFARS clause 252.211–7003 is in the commercial provision/clause list at DFARS 212.301(f)(iv), and recommended that clause 252.211–7007 be added.

*Response:* Clause 252.211–7007 was added on August, 29, 2012, to the commercial provision/clause list at 212.301(f) as the result of DFARS final rule 2012–D001, Reporting of Government-Furnished Property.

2. Burden Added by New Reporting

*Comment:* One respondent stated that the rule adds new reporting requirements that will add to the burden of reporting. The respondent noted that the reporting requirements for special tooling, special test equipment, warranty items and type designation of items are all new with this rule.

*Response:* Reporting of items of special tooling or special test equipment for a major defense acquisition program, which is designated for preservation and storage in accordance with the requirements of section 815 of the National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110–417), is required to register and track these items. The special tooling, special test equipment, and warranty requirements have already been accounted for under final rule 2012–D001, Reporting of Government-Furnished Property. Reporting of warranty serialized items is required to identify and track warranted items so that DoD can obtain warranty benefits. Reporting of type designation is required to properly account for end items of DoD equipment and is a burden on the Government to ensure that it is added to line item structure. This is critical for auditability of property accountability.

3. Benefits/Outcome

*Comment:* One respondent commented that the benefits listed at DFARS 211.274–1 in the proposed rule would only occur with proper implementation and suggests adding text to clarify that merely tracking items will not automatically achieve desired results.

*Response:* DoD recognizes that item unique identification is a prerequisite to enabling enhancements in DoD logistics, contracting, and financial business transactions.

*Comment:* One respondent commented that the additional funding needed to implement the requirements merely changes where the budget impact hits, on invoices submitted by contractors rather than DoD achieving the necessary line item increases. The respondent also stated that the contractors' workforce burden is greatly increased by having additional quality inspection requirements, having to UID mark the additional items such as Government-furnished material (GFM), having to enter the items in the UID Registry, having increased physical inventory responsibilities, having additional steps to carry out when transferring contractor-acquired material at no cost to another contract (becomes GFM), subsequent mandatory verifications, and new packaging requirements, and that these additional burdens represent neither increased productivity nor increased efficiency.

*Response:* The cost burden of implementing item unique identification was recognized as an allowable cost in the Director, Defense Procurement and Acquisition Policy, Memorandum, dated July 9, 2004, Subject: ''Contract Pricing and Cost Accounting Compliance with DFARS 252.211–7003'', and this case does not change the way DoD is using item unique identification.

*Comment:* One respondent stated that this requirement is passing a nontrivial DoD records responsibility along to the contractor in the immediate time frame, with no concurrent change in contract dollars to pay for the activity (unless through billing under a cost type contract), and suggested deleting the revision to 211.274–2(a)(4)(v), which makes item unique identification required for any, ''DoD serially managed item (reparable or nonreparable).''

*Response:* The intent is not to pass the records responsibility to the contractors, since the change applies to contracts, which include this clause; therefore the mechanism for paying the contractor to perform the activity can be included in the contract price. Note that in the final rule this criterion is now located at 211.274–2(a)(3)(i).

4. Policy Is Unreasonable

*Comment:* One respondent commented that the marking requirements implemented by this rule are impracticable and would put contractors at risk of charging the Government for unallowable unreasonable costs, noting that a reasonable cost is described in FAR 31.201–3(a): ''A cost is reasonable if in its nature and amount, it does not exceed that which would be incurred by a prudent person in the conduct of competitive business . . .'' The respondent also noted that the implementing marking requirements in this rule would constitute abuse as defined in the Government Accountability Office Yellow Book: ''Abuse involves behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary business practice given the facts and circumstances . . .''

*Response:* This case is not changing existing policy for reporting IUID; it is clarifying the categories of items subject to item unique identification and the methods for reporting items to the DoD Item Unique Identification Registry.

5. Warranty Cost

*Comment:* One respondent suggested that warranted serialized items that require IUID be identified in the contract due to the significant administrative cost that would be incurred if IUID is required on all warranted serialized items. The suggested change would modify the text at 211.274–2(a)(4)(iii) to read: ''Warranted serialized item as identified in the contract.''

*Response:* The DFARS 211.274–2(a)(4)(iii) reference, which the respondent proposed revising, reflects long-standing DoD policy that DoD unique item identification, or DoD recognized unique identification equivalent, is required for any warranted serialized item. See DFARS final rule 2009–D018 (76 33166 published June 8, 2011).

6. Special Test Equipment

*Comment:* One respondent recommended against requiring IUID for special test equipment because special test equipment becomes obsolete too quickly.

*Response:* DFARS 211.274–2(3)(iv) implements the policy of Public Law 110–417, which requires that major defense acquisition programs designate items of special tooling and special test

equipment for preservation and storage upon the termination of production. Any issues concerning obsolescence of special test equipment at the termination of production would be mitigated by the program manager by following the guidance in SD–22, Diminishing Manufacturing Sources and Material Shortages: A Guidebook of Best Practices for Implementing a Robust DMSMS Management Program, dated August 2012.

7. New Requirements

*Comment:* One respondent pointed out that the requirements at 211.274–2(a)(4)(v) and (vi) are both new requirements and contradict the rule's statement that no new requirements are being added. The respondent recommends modifying the text at 211.274–2(a)(4)(vi) to add ''as defined in the contract'' to the end of the sentence.

*Response:* These requirements are not considered to be new requirements as they are clarifying and formalizing existing practices, and they are not anticipated to add any additional burden to the information collection required by the rule. In the final rule these criteria are located within 211.274–2(a)(3).

8. Marking

*Comment:* One respondent suggested that the required determination and findings conclusions stated in 211.274–2(b)(2) are three separate exceptions and should be listed exclusively.

*Response:* There are only two conditions for the 211.274–2(b)(2) exceptions. They are: (1) it is more cost effective for the Government requiring activity to assign, mark, and register the unique item identifier after delivery for an item acquired from a small business concern, and (2) it is more cost effective for the Government requiring activity to assign, mark, and register the unique item identifier after delivery for a commercial item acquired under FAR part 8 or part 12.

*Comment:* One respondent commented that the marking requirement at 252.211–7003(c)(1)(v) would not benefit the Government or the contractor and will ultimately lead to additional cost to the Government. The respondent suggested removing this requirement from the clause.

*Response:* DFARS 252.211–7003(c)(1)(v) only addresses items for which the contractor elects to create and mark a unique item identifier with a data matrix for its own purposes of traceability, even though the item is delivered to DoD and does not require DoD unique identification. This provision is included to ensure that any items marked under it and subsequently delivered to DoD will be reported to the DoD Item Unique Identification Registry by the contractor to avoid having DoD items with unique identification markings that are not registered.

*Comment:* One respondent opined that the requirement added at 252.211–7003(c)(5)(i)(D) to verify that IUID markings are readable and that they conform with the applicable standards is too broad of a requirement that adds unnecessary redundancy to the marking process and would serve only to increase cost that would be passed on to the Government.

*Response:* DFARS 252.211–7003(c)(5)(i)(B) requires that unique item identifier marking comply with the criteria of MIL STD 130, Identification Marking of U.S. Military Property, latest version. Paragraph 252.211–7003(c)(5)(i)(C) requires that shipments, storage containers, and packages that contain uniquely identified items be labeled in accordance with the requirements of MIL STD 129, latest version. The 252.211–7003(c)(5)(i)(D) provision to verify that unique item identifier markings are readable and that they conform with the applicable standards is a prudent requirement to assure compliance with paragraphs (B) and (C).

*Comment:* One respondent recommended deleting ''or when item unique identification is provided under paragraph (c)(1)(v)'' and instead adding ''either as part of, or associated with'' at 252.211–7003(d) in order to enable reporting IUID-related data elements to the Registry for occasional use of paper material inspection and receiving reports.

*Response:* The purpose of the 252.211–7003(d) and (e) clause language is to require reporting of the item unique identification data to the DoD Item Unique Identification Registry for end items and embedded items, respectively, marked with a unique item identifier. Paragraph (f) of 252.211–7003 specifies the various methods for reporting these data.

9. Tracking Buildings or Property

*Comment:* One respondent suggested editing the prescription for clause 252.211–7003 to specify that it applies to ''tangible durable personal property'' supplies to clarify that it does not apply to real property.

*Response:* The inclusion of the term ''item'', which is defined in 252.211–7003(a) as a single hardware article or a single unit formed by a grouping of subassemblies, components, or constituent parts, is a sufficient distinction to avoid confusion with real property.

10. Definitions

*Comment:* One respondent commented that the definition for ''data matrix'' is not true all of the time as in some circumstances the modules in the matrix can be round.

*Response:* As specified in 252.211–7003(c)(3), DoD will only accept a data matrix symbol that complies with ISO/IEC International Standard 16022, Information Technology—International Symbology Specification—Data Matrix. This standard defines a module as a single cell in a matrix symbology used to encode one bit of data. In data matrix, the module is nominally a square shape.

*Comment:* One respondent suggested modifying the definition for ''type designation'' because the explanation of a complete ''item'' is inconsistent with other instances within the regulations, standards, and guides.

*Response:* To be consistent with other instances of ''type designation'' usage, the words ''a complete item, such as'' are not included in the final rule.

11. Unit

*Comment:* One respondents suggested modifying 252.211–7003(c)(1)(i) because the use of the term ''unit'' is inconsistent with other instances within the regulations, standards, and guides.

*Response:* 252.211–7003(c)(1)(i) uses the term ''unit acquisition cost'', which is the actual cost at the time of purchase and is the proper measure of value.

12. Internal Use Items

*Comment:* One respondent suggested editing 252.211–7003(c)(3) to include an exemption on marking items that are for internal use only.

*Response:* The DoD requirement is to have the contractor mark items that are delivered to DoD under the terms of a contract and to allow the collection of data where contractors voluntarily mark items.

13. MIL STD 130 and MIL STD 129

*Comment:* One respondent noted that requiring adherence to a military standard (e.g., MIL STD 130 and MIL STD 129) creates an open ended standard that would not be possible to price at the time of award and requests the deletion of 252.211–7003(c)(5)(i)(D) language: ''Verify that the marks on items, shipments and storage containers and packages are machine readable and conform to the applicable standards.'' The respondent also suggested clarifying that the requirement corresponds to the standard in place at

the time of award and should be cited in the contract.

*Response:* This is a function of compliance with the requirements of MIL–STD–130 and MIL–STD–129, which are accomplished as a matter of course prior to the delivery of marked items. Clause 252.211–7003 requires compliance with the latest versions of MIL STD 130 and MIL STD 129 as of the time of award.

*Comment:* One respondent requested adding language that states the MIL STD 129 requirement should only apply to shipping.

*Response:* The requirement at 252.211–7003(c)(5)(i)(C) reinforces the requirements in paragraph 4.4 of MIL STD 129 that ''For shipments of UII items, the 2D (PDF417) symbol shall be used for listing the concatenated UIIs (DI 25S) and the data normally included in the linear (Code 39) identification bar codes (see 4.4.2.3 and 4.4.3.3.1).'' MIL–STD–129 requirements only apply to markings on labels and containers of items being shipped or stored, as specified in the contract.

14. Text Clarification

*Comment:* One respondent suggested editing the new text at 252.211–7003(d)(12) to read ''Type designation of the item when specified in the contract specifications.'' The respondent noted that this change would clarify that this information is only required when it has been provided in the contract.

*Response:* 252.211–7003(d)(12) is modified in the final rule to read: ''Type designation of the item as specified in the contract schedule, if any.'' Use of the term ''specifications'' is not appropriate in this instance.

*Comment:* One respondent suggested editing the new text at 252.211–7003(d)(14) to read: ''Whether the item was sold with a limited warranty.'' The respondent opined that tracking if items were sold with a warranty makes more sense than tracking if the item is covered by a warranty because most warranties expire and there is no current process for updating this information.

*Response:* The DoD requirement is to determine if the item is covered by a warranty at the time it is delivered to the DoD. If the contractor acquires an item under warranty and subsequently delivers it to DoD, then DoD wants to gain the benefits of that warranty. DFARS subpart 246.7 provides procedures for capturing warranty details, including duration.

15. Wide Area WorkFlow (WAWF)

*Comment:* One respondent recommended editing 252.211–7003(f)(1) to allow contractors the option of submitting item information directly to the registry without the stipulation ''If WAWF is not required by this contract''.

*Response:* If the WAWF clause 252.232–7003 is in the contract, then WAWF shall be used to deliver the item unique identification data to the DoD Item Unique Identification Registry. If the WAWF clause is not in the contract, then direct submission will have to be used. This ensures that the data about the item is reviewed as part of inspection and acceptance of the item.

16. Registration/Reporting

*Comment:* One respondent suggested removing the words ''DoD serially managed reparables'' from the requirement at 252.211–7003(c)(1)(iii).

*Response:* DoD serially managed reparables may be for new acquisition or be furnished to a contractor for repair. In either case, they shall be subject to item unique identification marking.

*Comment:* One respondent suggested adding notes to the new requirements at 252.211–7003(c)(1)(iii) and (iv) to clarify which category of items these refer to out of the categories ''ACQ'' or ''GFP''.

*Response:* The comment applies to the registration process. Links to instructions for reporting item unique identification data to the DoD Item Unique Identification Registry are found in 252.211–7003(f).

*Comment:* One respondent suggested removing ''at its own expense'' from 252.211–7003(c)(1)(v).

*Response:* The phrase ''at its own expense'' is deleted from 252.211–7003(c)(1)(v).

*Comment:* One respondent suggested adding a line at 252.211–7003(c)(vi), which would state: ''DoD serially managed reparables as specified in Attachment Number ____. (Note: Corresponds to IUID Registry Category ''LEG'').''

*Response:* DoD serially managed reparables may be for new acquisitions or be furnished to a contractor for repair. In either case they would be subject to item unique identification marking.

*Comment:* One respondent suggested revising 252.211–7003(c)(2), to state: ''The unique item identifier assignment and the component data element combination shall not be duplicated on any other item marked and/or registered in the IUID Registry by the contractor (because STE (GFP) may have a UII assigned and registered, but not marked).''

*Response:* DFARS 252.211–7003(c)(2) is revised to read: ''The unique item identifier assignment and component data element combination shall not be duplicated on any other item marked or registered in the DoD Item Unique Identification Registry by the contractor.''

*Comment:* One respondent suggested adding a nine-item list of pieces of information to be submitted directly to the IUID Registry for legacy items at 252.211–7003(f), similar to the list in the proposed rule at 252.211–7003(e).

*Response:* Instructions for reporting item unique identification data on reparable items furnished to a contractor for repair are included under 252.211–7003(d).

*Comment:* One respondent suggested adding a new 252.211–7003(f)(3), which would state: ''reparable items shall be reported by direct data submission to the IUID Registry following the procedures and formats at: *http://www.acq.osd.mil/dpap/pdi/uid/data_submission_information.html.*''

*Response:* The reparables furnished to a contractor for repair would be reported as either end items or embedded items under (f)(1) or (f)(2), as appropriate.

17. Government-Furnished Property (GFP) Policy Changes

*Comment:* One respondent disagrees with changing 211.274–4 to address GFP instead of Government-furnished equipment and noted that not all of the exceptions to GFP would have been considered GFP anyhow. This respondent stated that the changes made to this section, to include the removal of exceptions for items valued at less than $5,000 and Government-furnished material, will be extremely burdensome to large contractors and will add tens of thousands of items that will need to be marked and tracked with IUID and recommended that the policy changes not be made.

*Response:* The text at 211.274–4 was modified on August 29th, 2012, by final rule 2012–D001 and is not further modified by this rule. The five exceptions in the proposed rule were incorporated into the DFARS by the final rule 2012–D001 as well as two other exceptions: ''Property released as work in process'' and ''Nonserial managed items (reporting is limited to receipt transactions only).''

18. Business Systems Rule

*Comment:* One respondent disagrees with limiting this rule to small businesses involved in manufacturing. This respondent stated that the business systems rule came to pass because major contractors' business systems were assessed as poor, so a control environment argument is unwarranted.

The respondent also stated that the exposure is greater at major contractors, and major contractors are more likely to use SAP AG software, which abrogates the loan/payback transaction.

*Response:* This comment is outside the scope of this case. The scope is limited to clarifying the categories of items subject to item unique identification and the methods for reporting items to the DoD Item Unique Identification Registry.

**III. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**III. Regulatory Flexibility Act**

DoD does not expect this final rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the changes being made do not increase the burden of the item unique identification requirements, nor do they cause the requirement to be applicable to any additional small businesses. However, a final regulatory flexibility analysis has been prepared consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., and is summarized as follows:

The changes are being made to refine the language of the regulations and update the clause and prescription to comply with existing item unique identification policy. This DFARS final rule also clarifies the reporting requirements for special tooling and special test equipment, warranty, and type designation, updates text to describe the reason for the policy, clears up language that has been confusing in practice, and adds an alternative method of data submission using either hard copy or a wide-area-workflow attachment. The rule also eliminates Alternate I of DFARS 252.211–7003, which cited reporting requirements covered by other mechanisms.

This rule will apply to small businesses involved in manufacturing. There are currently 1,495 small businesses registered in the Item Unique Identification Registry, out of 2,431 total companies registered. The changes made by this rule will not affect the number of businesses that are required to be registered in the Item Unique Identification Registry.

There were no comments in response to the initial regulatory flexibility analysis. The Chief Counsel for Advocacy of the Small Business Administration did not file any comments.

This rule does not add any new information collection requirements as it only clarifies existing requirements.

The rule does not duplicate, overlap, or conflict with any other Federal rules.

No alternatives were determined that will accomplish the objectives of the rule.

**IV. Paperwork Reduction Act**

This rule does not add any new information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35) beyond those already covered by OMB Control Numbers 0704–0246 and 0704–0248. OMB Control Number 0704–0246, titled ''Defense Federal Acquisition Regulations Supplement (DFARS) Part 245, Government Property, related clauses in DFARS 252, and related forms in DFARS 253,'' includes information collection requirements for DFARS subpart 211.274. OMB Control Number 0704–0248, titled ''Defense Federal Acquisition Regulations Supplement (DFARS) Appendix F, Material Inspection and Receiving Report and related forms,'' covers all information submitted through the Wide Area WorkFlow system.

**List of Subjects in 48 CFR Parts 211, 212, 218, 246, 252, and Appendix F to Chapter 2**

Government procurement.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 211, 212, 218, 246, 252, and Appendix F to Chapter 2 are amended as follows:

■ 1. The authority citation for 48 CFR parts 211, 212, 218, 246, 252, and Appendix F to chapter 2 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

## PART 211—DESCRIBING AGENCY NEEDS

■ 2. Section 211.274–1 is revised to read as follows:

**211.274–1 General.**

Item unique identification and valuation is a system of marking, valuing, and tracking items delivered to DoD that enhances logistics, contracting, and financial business transactions supporting the United States and coalition troops. Through item unique identification policy, which capitalizes on leading practices and embraces open standards, DoD—

(a) Achieves lower life-cycle cost of item management and improves life-cycle property management;

(b) Improves operational readiness;

(c) Provides reliable accountability of property and asset visibility throughout the life cycle;

(d) Reduces the burden on the workforce through increased productivity and efficiency; and

(e) Ensures item level traceability throughout lifecycle to strengthen supply chain integrity, enhance cyber security, and combat counterfeiting.

■ 3. Section 211.274–2 is amended by—

■ a. Revising the section heading;

■ b. Revising paragraph (a);

■ c. Revising paragraph (b) introductory text; and

■ d. Revising paragraph (b)(2).

The revisions read as follows:

**211.274–2 Policy for item unique identification.**

(a) It is DoD policy that DoD item unique identification, or a DoD recognized unique identification equivalent, is required for all delivered items, including items of contractor-acquired property delivered on contract line items (see PGI 245.402–71 for guidance when delivery of contractor acquired property is required)—

(1) For which the Government's unit acquisition cost is $5,000 or more;

(2) For which the Government's unit acquisition cost is less than $5,000 when the requiring activity determines that item unique identification is required for mission essential or controlled inventory items; or

(3) Regardless of value for any—

(i) DoD serially managed item (reparable or nonreparable) or subassembly, component, or part embedded within a subassembly, component, or part;

(ii) Parent item (as defined in 252.211–7003(a)) that contains the embedded subassembly, component, or part;

(iii) Warranted serialized item;

(iv) Item of special tooling or special test equipment, as defined at FAR 2.101, for a major defense acquisition program that is designated for preservation and storage in accordance with the requirements of section 815 of the National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110–417); and

(v) High risk item identified by the requiring activity as vulnerable to supply chain threat, a target of cyber threats, or counterfeiting.

(b) *Exceptions.* The contractor will not be required to provide DoD item unique identification if—

* * * * *

(2) A determination and findings has been executed concluding that it is more cost effective for the Government requiring activity to assign, mark, and register the unique item identifier after delivery, and the item is either acquired from a small business concern, or is a commercial item acquired under FAR part 12 or part 8.

* * * * *

■ 4. Section 211.274–3 is amended by—

■ a. Revising paragraph (a); and

■ b. Amending paragraph (c) by removing the word ''need'' and adding in its place ''shall''.

The revision reads as follows:

**211.274–3 Policy for valuation.**

(a) It is DoD policy that contractors shall be required to identify the Government's unit acquisition cost for all deliverable end items to which item unique identification applies.

* * * * *

■ 5. Section 211.274–6 is amended by—

■ a. Revising paragraph (a); and

■ b. Amending paragraph (c)(1) by removing the clause title ''Item Identification and Valuation'' and adding in its place ''Item Unique Identification and Valuation''.

The revision reads as follows:

**211.274–6 Contract clauses.**

(a)(1) Use the clause at 252.211–7003, Item Unique Identification and Valuation, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that require item identification or valuation, or both, in accordance with 211.274–2 and 211.274–3.

(2) Identify in paragraph (c)(1)(ii) of the clause the contract line, subline, or exhibit line item number and description of any item(s) below $5,000 in unit acquisition cost for which DoD item unique identification or a DoD recognized unique identification equivalent is required in accordance with 211.274–2(a)(2).

(3) Identify in paragraph (c)(1)(iii) of the clause the applicable attachment number, when DoD item unique identification or a DoD recognized unique identification equivalent is required in accordance with 211.274–2(a)(3)(i) through (v).

* * * * *

## PART 212—ACQUISITION OF COMMERCIAL ITEMS

**212.301 [Amended]**

■ 6. Section 212.301 is amended in paragraph (f)(ix) by removing the clause title ''Item Identification and Valuation'' and adding in its place ''Item Unique Identification and Valuation''.

## PART 218—EMERGENCY ACQUISITIONS

■ 7. Section 218.201(2) is revised to read as follows:

**218.201 Contingency operation.**

* * * * *

(2) *Policy for item unique identification.* Contractors will not be required to provide DoD item unique identification if the items, as determined by the head of the agency, are to be used to support a contingency operation. See 211.274–2(b).

* * * * *

## PART 246—QUALITY ASSURANCE

**246.710 [Amended]**

■ 8. Section 246.710 is amended in paragraph (5)(i) introductory text by removing the clause title ''Item Identification and Valuation'' and adding in its place ''Item Unique Identification and Valuation''.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 9. Amend section 252.211–7003 by—

■ a. Revising the section heading;

■ b. Revising the clause heading and the clause date;

■ c. Amending paragraph (a) by removing the definition title ''DoD unique item identification'' and adding in its place ''DoD item unique identification'';

■ d. Adding to paragraph (a), in alphabetical order, definitions for ''Data matrix'' and ''Type designation'';

■ e. Revising paragraph (c);

■ f. Revising paragraph (d) introductory text;

■ g. Adding paragraphs (d)(12) through (14);

■ h. Revising paragraph (e) introductory text;

■ i. Revising paragraph (f);

■ j. Revising paragraph (g); and

■ k. Removing Alternate I.

**252.211–7003 Item unique identification and valuation.**

* * * * *

**ITEM UNIQUE IDENTIFICATION AND VALUATION (DEC 2013)**

(a) * * *

*Data matrix* means a two-dimensional matrix symbology, which is made up of square or, in some cases, round modules arranged within a perimeter finder pattern and uses the Error Checking and Correction 200 (ECC200) specification found within International Standards Organization (ISO)/International Electrotechnical Commission (IEC) 16022.

* * * * *

*Type designation* means a combination of letters and numerals assigned by the Government to a major end item, assembly or subassembly, as appropriate, to provide a convenient means of differentiating between items having the same basic name and to indicate modifications and changes thereto.

* * * * *

(c) *Unique item identifier.* (1) The Contractor shall provide a unique item identifier for the following:

(i) Delivered items for which the Government's unit acquisition cost is $5,000 or more, except for the following line items:

| Contract line, subline, or exhibit line item No. | Item description |
|---|---|
| | |

(ii) Items for which the Government's unit acquisition cost is less than $5,000 that are identified in the Schedule or the following table:

| Contract line, subline, or exhibit line item No. | Item description |
|---|---|
| | |

(*If items are identified in the Schedule, insert ''See Schedule'' in this table.*)

(iii) Subassemblies, components, and parts embedded within delivered items, items with warranty requirements, DoD serially managed reparables and DoD serially managed nonreparables as specified in Attachment Number ____.

(iv) Any item of special tooling or special test equipment as defined in FAR 2.101 that have been designated for preservation and storage for a Major Defense Acquisition Program as specified in Attachment Number ____.

(v) Any item not included in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this clause for which the contractor creates and marks a unique item identifier for traceability.

(2) The unique item identifier assignment and its component data element combination shall not be duplicated on any other item marked or registered in the DoD Item Unique Identification Registry by the contractor.

(3) The unique item identifier component data elements shall be marked on an item using two dimensional data matrix symbology that complies with ISO/IEC International Standard 16022, Information technology—International symbology specification—Data matrix; ECC200 data matrix specification.

(4) *Data syntax and semantics of unique item identifiers.* The Contractor shall ensure that—

(i) The data elements (except issuing agency code) of the unique item identifier are encoded within the data matrix symbol that is marked on the item using one of the following three types of data qualifiers, as determined by the Contractor:

(A) Application Identifiers (AIs) (Format Indicator 05 of ISO/IEC International Standard 15434), in accordance with ISO/IEC International Standard 15418, Information Technology—EAN/UCC Application Identifiers and Fact Data Identifiers and Maintenance and ANSI MH 10.8.2 Data Identifier and Application Identifier Standard.

(B) Data Identifiers (DIs) (Format Indicator 06 of ISO/IEC International Standard 15434), in accordance with ISO/IEC International Standard 15418, Information Technology—EAN/UCC Application Identifiers and Fact Data Identifiers and Maintenance and ANSI MH 10.8.2 Data Identifier and Application Identifier Standard.

(C) Text Element Identifiers (TEIs) (Format Indicator 12 of ISO/IEC International Standard 15434), in accordance with the Air Transport Association Common Support Data Dictionary; and

(ii) The encoded data elements of the unique item identifier conform to the transfer structure, syntax, and coding of messages and data formats specified for Format Indicators 05, 06, and 12 in ISO/IEC International Standard 15434, Information Technology-Transfer Syntax for High Capacity Automatic Data Capture Media.

(5) *Unique item identifier.*

(i) The Contractor shall—

(A) Determine whether to—

*(1)* Serialize within the enterprise identifier;

*(2)* Serialize within the part, lot, or batch number; or

*(3)* Use a DoD recognized unique identification equivalent (e.g. Vehicle Identification Number); and

(B) Place the data elements of the unique item identifier (enterprise identifier; serial number; DoD recognized unique identification equivalent; and for serialization within the part, lot, or batch number only: Original part, lot, or batch number) on items requiring marking by paragraph (c)(1) of this clause, based on the criteria provided in MIL–STD–130, Identification Marking of U.S. Military Property, latest version;

(C) Label shipments, storage containers and packages that contain uniquely identified items in accordance with the requirements of MIL–STD–129, Military Marking for Shipment and Storage, latest version; and

(D) Verify that the marks on items and labels on shipments, storage containers, and packages are machine readable and conform to the applicable standards. The contractor shall use an automatic identification technology device for this verification that has been programmed to the requirements of Appendix A, MIL–STD–130, latest version.

(ii) The issuing agency code—

(A) Shall not be placed on the item; and

(B) Shall be derived from the data qualifier for the enterprise identifier.

(d) For each item that requires item unique identification under paragraph (c)(1)(i), (ii), or (iv) of this clause or when item unique identification is provided under paragraph (c)(1)(v), in addition to the information provided as part of the Material Inspection and Receiving Report specified elsewhere in this contract, the Contractor shall report at the time of delivery, as part of the Material Inspection and Receiving Report, the following information:

(1) * * *

(12) Type designation of the item as specified in the contract schedule, if any.

(13) Whether the item is an item of Special Tooling or Special Test Equipment.

(14) Whether the item is covered by a warranty.

(e) For embedded subassemblies, components, and parts that require DoD item unique identification under paragraph (c)(1)(iii) of this clause or when item unique identification is provided under paragraph (c)(1)(v), the Contractor shall report as part of the Material Inspection and Receiving Report specified elsewhere in this contract, the following information:

* * * * *

(f) The Contractor shall submit the information required by paragraphs (d) and (e) of this clause as follows:

(1) End items shall be reported using the receiving report capability in Wide Area WorkFlow (WAWF) in accordance with the clause at 252.232–7003. If WAWF is not required by this contract, and the contractor is not using WAWF, follow the procedures at *http://dodprocurementtoolbox.com/site/uidregistry/*.

(2) Embedded items shall be reported by one of the following methods—

(i) Use of the embedded items capability in WAWF;

(ii) Direct data submission to the IUID Registry following the procedures and formats at *http://dodprocurementtoolbox.com/site/uidregistry/;* or

(iii) Via WAWF as a deliverable attachment for exhibit line item number *(fill in)* ____, Unique Item Identifier Report for Embedded Items, Contract Data Requirements List, DD Form 1423.

(g) *Subcontracts.* If the Contractor acquires by contract any items for which item unique identification is required in accordance with paragraph (c)(1) of this clause, the Contractor shall include this clause, including this paragraph (g), in the applicable subcontract(s), including subcontracts for commercial items.

■ 11. Amend Appendix F to Chapter 2 by—

■ a. Revising section F–103(e)(1);

■ b. Revising paragraph section F–301(b)(18) introductory text; and

■ c. Revising paragraph F–301(b)(18)(i).

The revisions read as follows:

## APPENDIX F TO CHAPTER 2—MATERIAL INSPECTION AND RECEIVING REPORT

* * * * *

**F–103 Use.**

* * * * *

(e) * * *

(1) Item Unique Identification (IUID), when the clause at DFARS 252.211–7003, Item Unique Identification and Valuation is used in the contract, reporting of IUID data is required. WAWF captures the IUID data and forwards the data to the IUID registry after acceptance. WAWF shall be used to report Unique Item Identifiers (UIIs) at the line item level, unless an exception to WAWF applies, and can also be used to report UIIs embedded at the line item level.

* * * * *

**F–301 Preparation instructions.**

* * * * *

(b) * * *

(18) Unit price. The contractor shall enter unit prices on all WAWF RR copies.

(i) The contractor shall enter unit prices for each item of property fabricated or acquired for the Government and delivered to a

contractor as Government furnished property (GFP). Get the unit price from Section B of the contract. If the unit price is not available, use an estimate. The estimated price should be the contractor's estimate of what the items cost the Government. When the price is estimated, enter ''Estimated Unit Price'' in the description field. However, if the contract has Item Unique Identification (IUID) requirements and the receiving report is being processed in WAWF, the unit price must represent the acquisition cost that will be recorded in the IUID registry. Therefore, the unit price is required (see the clause at DFARS 252.211–7003, Item Unique Identification and Valuation). When delivering GFP via WAWF to another contractor, WAWF will initiate a property transfer if the vendor who is initiating the WAWF RR is also registered as a vendor property shipper in WAWF and the vendor receiving the property is also a vendor property receiver in WAWF.

* * * * *

[FR Doc. 2013–29771 Filed 12–13–13; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF STATE

### 48 CFR Parts 645 and 652

**[Public Notice 8546]**

**RIN 1400–AC33**

### Department of State Acquisition Regulation

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** This rule adopts as final certain changes proposed to the Department of State Acquisition Regulation (DOSAR) to conform to Federal Acquisition Regulation (FAR) changes. It adds a new DOSAR clause and provision regarding reporting certain categories of Government-furnished and contractor-acquired property.

**DATES:** This rule is effective on January 15, 2014.

**FOR FURTHER INFORMATION CONTACT:** You may obtain copies of the proposed information collection and supporting documents from Ella Ramirez, Senior Procurement Analyst, Policy Division, Department of State, Office of the Procurement Executive, 2201 C Street NW., Suite 1060, State Annex Number 15, Washington, DC 20522–0602; email address: *RamirezIM2@state.gov.*

**SUPPLEMENTARY INFORMATION:** This rule was published as a Notice of Proposed Rulemaking (NPRM) on July 29, 2013 (78 FR 45490), with a provision of 60 days for public comment. A summary of the proposed changes and the reasons therefor were included in the NPRM. The Department of State (Department) received two comments in response to the NPRM.

The first commenter recommended that requirements for accountability for Government-provided software be deleted because FAR Part 27 covers software and FAR Part 45 does not. While it is true that software is expressly excluded from the FAR 45.101 definition of ''Government property,'' tracking of software provided by the Department to its contractors is required information for the Department's financial statement. Prescribing separate reporting of this information in a DOSAR supplement to FAR 27 would be burdensome and inefficient. Accordingly, that recommendation is not accepted.

The first commenter also recommended that ''Accounting'' be changed to ''Accountability'' in the proposed DOSAR §§ 652.245–70(a)(3) and 652.245–71, on the theory that Part 45 governs the management and accountability of Government-owned property, not ''accounting,'' which is a financial function. The Department accepts this recommendation insofar as the language in the provision, and has changed the title of the clause to ''Special Reports of Government Property.''

The first commenter pointed out duplicate provisions in proposed § 652.245–71(d)(2)(iv) and (d)(2)(xiv). The Department agrees that these provisions are duplicative, and will delete subsection (d)(2)(xiv), renumber subsequent provisions, and move the parenthetical comment (''If from another DOS contract, or government agency, please specify'') to subsection (d)(2)(iv).

The first commenter recommended that the words ''or their delegated representatives'' be added to the end of the chapeau to § 652.245–71(f). The Department does not agree that delegating this responsibility would be appropriate, and does not accept this recommendation.

The second commenter advances several broad arguments involving the Department's authority to enact rules and to make findings with respect to various administrative laws and executive orders that apply to rulemaking. The Department disagrees with the comments.

The authority of agencies to regulate is well-established. The absolute ''non-delegation'' concept has been virtually abandoned since 1948. *See Mistretta* v. *United States,* 488 U.S. 361 (1989), and the cases cited therein. ''The power of an administrative agency to administer a congressionally created . . . program necessarily requires the formulation of policy and the making of rules to fill any gap left, implicitly or explicitly, by Congress.'' *Morton* v. *Ruiz,* 415 U.S. 199, 231 (1974).

''If Congress has explicitly left a gap for the agency to fill, there is an express delegation of authority to the agency to elucidate a specific provision of the statute by regulation. Such legislative regulations are given controlling weight unless they are arbitrary, capricious, or manifestly contrary to the statute. Sometimes the legislative delegation to an agency on a particular question is implicit rather than explicit. In such a case, a court may not substitute its own construction of a statutory provision for a reasonable interpretation made by the administrator of an agency.'' *Chevron, U.S.A., Inc.* v. *NRDC, Inc.,* 467 U.S. 837, 843–844 (1984) (footnote omitted).

In the case of the FAR and DOSAR, Congress explicitly delegated rulemaking authority to certain agencies, resulting in the FAR. 41 U.S.C. 1303. FAR 1.301 provides authority to agencies to supplement the FAR: ''[A]n agency head may issue or authorize the issuance of agency acquisition regulations that implement or supplement the FAR and incorporate, together with the FAR, agency policies, procedures, contract clauses, solicitation provisions, and forms that govern the contracting process or otherwise control the relationship between the agency, including any of its suborganizations, and contractors or prospective contractors.'' 48 CFR § 1.301. The Secretary of State has the general authority to issue regulations to carry out the functions of the Department; specifically, in this case, regulations to implement procurement statutes and the FAR. 22 U.S.C. 2651a. The Department of State's implementing regulations are the DOSAR, codified at 48 CFR parts 600–699.

The commenter further challenged the ability of a Department official to make findings with respect to compliance with applicable statutes and executive orders (contained in the ''Regulatory Findings'' section of the NPRM and in this Final Rule, below). Except for the Administrative Procedure Act (APA), the statutes or executive orders cited in this section require agencies to consider certain factors prior to publishing a rule. (With respect to the APA, the Department's assertion was (and is) a simple statement of fact regarding how it has complied with that law.)

If a member of the public has information contrary to the assertion of the Department official (for example, proof that annual impact on the U.S. economy from the rulemaking would in fact exceed $100,000,000; or proof that the rule would have a significant impact

on domestic tribes), he or she could present such information during the comment period, at which time the Department would have to address it. The commenter did not present such evidence; nor did she cite any authority for the proposition that the Department is not permitted to assert its compliance with statutes and executive orders.

**Conclusion**

The rule published as part of the NPRM is hereby published in final, with the modifications described above.

**Regulatory Findings**

*Administrative Procedure Act*

In accordance with provisions of the Administrative Procedure Act, the Department published this rule and provided 60 days for public comment.

*Regulatory Flexibility Act*

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This determination was based on the fact that the reporting requirements are targeted at a very narrow segment of government property and based on a determination that there are only 14 contractors who are currently subject to the reporting requirements of the clause. Only four of these are small business concerns. Thus, it was concluded that the rule will not have a significant economic impact on a substantial number of small entities.

*Unfunded Mandates Act of 1995*

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Act of 1995.

*Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by the Small Business Regulatory Enforcement Act of 1996 (5 U.S.C. 801 et seq.). This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and import markets. This determination was based on the fact that the reporting requirements are targeted at a very narrow segment of government property, and on a determination that there are only 14 contractors who are currently subject to the reporting requirements of the clause. The rule does not place new requirements on contract performance, but merely addresses reporting of existing information.

*Executive Orders 12866 and 13563*

Executive Orders (E.O.) 12866 and 13563 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). E.O. 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Department of State does not consider this rule to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review.

In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Orders and finds that the benefits of the proposed rule outweigh any costs.

*Executive Order 13132*

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

*Executive Order 13175*

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

*Paperwork Reduction Act*

The Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) applies, because the proposed rule imposes information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

*Summary of Proposed Collections:* The Department of State is seeking OMB approval for the information collection described below.

- *Title of Information Collection:* Department of State Acquisition Regulation (DOSAR) 652.245–70, Status of Property Management System.
- *OMB Control Number:* 1405–0050.
- *Type of Request:* Revision of Currently Approved Collection.
- *Originating Office:* Bureau of Administration, Office of Procurement Executive, Policy Division (A/OPE/PD).
- *Form Number:* None.
- *Respondents:* Business and other for-profit and not-for-profit organizations wishing to receive Department of State contracts.
- *Estimated Number of Total Respondents:* 3,466.
- *Estimated Number of Total Responses:* 9,330.
- *Average Time per Response:* 30 hours.
- *Total Estimated Burden Time:* 275,984.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

The total number of responses was increased by fourteen from 9,316 to 9,330. As a result of this change, the total estimated burden was increased from 275,970 hours to 275,984 hours. The increase in the responses and the burden is due to the impact of this DOSAR provision.

*Abstract of proposed collection:*

The proposed rule will update the Department of State Acquisition Regulation (DOSAR) to conform to recent Federal Acquisition Regulation (FAR) changes, and adds a new DOSAR provision, 652.245–70, regarding reporting on the status of offeror's property management systems. Respondents are offerors on solicitations for contracts under which specified government property will be provided. This is an existing IC, 1405–0050, Department of State Acquisition Regulation (DOSAR) 652.245–70, Status of Property Management System. This provision was inadvertently left out of the previously approved Information Collection package. The new provision is being inserted into the DOSAR and concurrently added into the current IC. The new DOSAR provision (and IC

requirement) asks for procedures for government property management (transportation, software, personal property). Over the course of the last two fiscal years (FY 11 and FY 12), only four solicitations were issued under which this new reporting was required, and on those solicitations, an average of 2.3 submissions was received. Based on conversations with a sample of submitters, we estimate that approximately 1.0 hour is required to research, document and incorporate the information into the proposal.

The Department received two comments in response to the NPRM, but neither comment addressed the information collection specifically.

Legal Authorities are as follows:

(1) Code of Federal Regulations, Title 48, Chapter 6, Department of State Acquisition Regulation
(2) Code of Federal Regulations, Title 48, Chapter 1, Federal Acquisition Regulation
(3) Public Law 103–236, Foreign Relations Authorization Act, Fiscal Years 1994 and 1995
(4) Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 302)
(5) Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852)
(6) Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864)

### List of Subjects in 48 CFR Parts 645 and 652

Contracts, Electronic commerce, Government procurement.

Accordingly, for reasons set forth in the preamble, Title 48, chapter 6 of the Code of Federal Regulations is amended as follows:

■ 1. The authority citation for part 645 reads as follows:

**Authority:** 40 U.S.C. 121; 22 U.S.C. 2651a; 48 CFR Subpart 1.3.

■ 2. Part 645 is revised to read as follows:

## PART 645—GOVERNMENT PROPERTY

## Subpart 645.1—General

Sec.
645.107 Contract clauses.
645.107–70 DOSAR contract clause and solicitation provision.

(a) The contracting officer shall insert the provision at 652.245–70, Status of Property Management System, in solicitations when any of the following conditions apply:

(1) Highway motor vehicles and aircraft, regardless of cost, are provided by the Government or acquired by the contractor for the account of the Government;

(2) Software exceeding $500,000 in value, including labor costs to develop, is provided by the Government or acquired by the contractor for the account of the Government; or

(3) Personal property greater than $25,000 (and not in paragraphs (a)(1) or (2) of this subsection) is provided by the Government or acquired by the contractor for the account of the Government. The personal property must be complete within itself; does not lose its identity or become a component part of other property when put into use; and is of a durable nature with an estimated useful life expectancy to exceed two years.

(b) The contracting officer shall insert the clause at 652.245–71, Special Reports of Government Property, in all solicitations and contracts that contain the provision at 652.245–70.

## PART 652—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. The authority citation for part 652 is revised to read as follows:

**Authority:** 40 U.S.C. 121; 22 U.S.C. 2651a; 48 CFR Subpart 1.3.

■ 4. Section 652.245–70 is added to read as follows:

### 652.245–70 Status of Property Management System.

As prescribed in 645.107–70(a), insert the following provision:

### Status of Property Management System (DEC 2013)

(a) When used in this provision, government-furnished property, government property, and contractor-acquired property are as defined in FAR 45.101.

(b) Offerors shall include in their quote or offer:

(1) Whether the offeror's property management system that will be used on this contract to track government-furnished property and/or contractor-acquired property has been determined to be adequate by a Federal property manager;

(2) The name, address, telephone number and email address of both the–

(i) Cognizant Administrative Contracting Officer (ACO) responsible for review and determination of adequacy of the contractor's property system; and

(ii) The cognizant contractor government property manager;

(3) The voluntary consensus standard or industry leading practices and standards to be used in the management of government property, or existing property management plans, methods, practices or procedures for accountability of property.

(End of provision)

■ 5. Section 652.245–71 is added to read as follows:

### 652.245–71 Special Reports of Government Property.

As prescribed in 645.107–70(b), insert the following clause:

### Special Reports of Government Property (DEC 2013)

(a) *Definitions.* As used in this clause:

*Disposition* means government property that has been removed from use on the contract.

*Highway motor vehicle* means any vehicle, self propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers. (41 CFR 102–34.35).

(b) The Contractor shall establish and maintain a property management system that is in accordance with the clause at FAR 52.245–1, Government Property. This clause supplements these requirements by specifying the U.S. Department of State capitalized property reporting requirements.

(c) The Contractor shall submit electronically one report on an annual basis and three other reports on a quarterly basis for the following:

(1) Where highway motor vehicles and aircraft, regardless of cost, are provided by the Government or acquired by the Contractor for the account of the Government;

(2) Where software exceeding $500,000 in value, including labor cost to develop, is provided by the Government or acquired by the Contractor for the account of the Government; or

(3) Where personal property greater than $25,000 (not in paragraph (c)(1) or (c)(2) of this clause) is provided by the Government or acquired by the Contractor for the account of the Government. The personal property must be complete within itself; does not lose its identity or become a component part of other property when put into use; and is of a durable nature with an estimated useful life expectancy to exceed two years.

(d) The Contractor shall submit all annual and quarterly reports in the following format, except as stated in paragraph (e) of this clause:

(1) Property shall be grouped by the following property classifications:

(i) Highway motor vehicles;
(ii) Communications equipment;
(iii) Information technology (formerly called automated data processing) equipment;
(iv) Reproduction equipment;
(v) Security equipment;
(vi) Software;
(vii) Software-in-development;
(viii) Medical equipment;
(ix) Aircraft property; and
(x) Other depreciable personal property.

(2) Data elements for each unit of property shall include:

(i) Contract number: Federal Government contract or purchase order number;
(ii) Task Order number;
(iii) Property classification: From classification listed in paragraph (d)(1) of this clause;

(iv) Denotation as either government-furnished property (GFP) or contractor-acquired property (CAP) (If from another DOS contract, or government agency, please specify);

(v) Noun name of property (i.e. generator);

(vi) Description of property;

(vii) Manufacturer;

(viii) Model;

(ix) Serial number;

(x) National Stock Number if applicable

(xi) Unique-item identifier or equivalent: such as barcode label (tag number) or system-assigned number. For highway motor vehicles, this must be the vehicle identification number (VIN);

(xii) Date received: Date contractor took possession;

(xiii) Date placed in service;

(xiv) Acquisition cost (As defined in FAR clause 52.245–1(a)): Use estimated fair-market value for property transferred or donated, at the time acquired, if actual cost is unknown;

(xv) Estimated useful life in years: The period during which the property is expected to provide the service for which it was intended. This should normally be equivalent to the depreciation schedule;

(xvi) Current location of the property: Country and city;

(xvii) Disposal Date;

(xviii) Disposal Method;

(e) The Contractor shall submit a full property report, as described in this clause, including affirmation, for the report covering the first quarter of the base contract. Thereafter, submission of reports shall follow the time frames outlined in paragraph (h) below. Quarterly property reports, other than the annual report, may be either full property reports or only updates to the full property report. Quarterly reports do not require affirmations even when the Contractor chooses to submit a full property report. Affirmations are only required for the report covering the first quarter of the contract and the annual report for each subsequent option year of the contract. If the Contractor submits a full property report, dispositions subsequent to any previous report must also be identified in the report. If a Contractor submits a quarterly report in the form of an update, the update shall include acquisitions and dispositions.

(f) The Contractor shall provide any required affirmation in the following format. The affirmation shall be signed by the Contractor's managerial personnel (as defined in FAR clause 52.245–1):

''I hereby affirm that a physical inventory of the government property (as defined in Federal Acquisition Regulation (FAR) 45.101) of Department of State contract number (*insert contract number*) has been completed as of (*insert date*), the inventory has been reconciled to our records and the property information in our report, and that to the best of my knowledge and belief, this inventory is accurate, current, and complete.

Signed:

Printed:

Title:

Date:

(g) In addition to the information required above, the Contractor shall include in all property reports:

(1) The current degree to which properly qualified Government personnel have evaluated the Contractor's property management system as being an adequate property management system;

(2) The name, mailing address, telephone number, and email address of the qualified Government person(s) who performed the evaluation of the Contractor's property management system; and

(3) The cognizant contractor government property manager.

(h) Reports shall cover the following time periods and are due on the following dates:

| Report | Period covered | Due date |
|---|---|---|
| 1st Quarter Report | For 1st quarter ending December 31 | January 15. |
| 2nd Quarter Report (Annual Property Report) | For 2nd quarter ending March 31 | April 30. |
| 3rd Quarter Report | For 3rd quarter ending June 30 | July 15. |
| 4th Quarter Report | For 4th quarter ending September 30 | October 8. |

(i) The Contractor shall send a copy of all reports to the individuals listed below. The Contractor shall submit reports in electronic format as an attachment to an email. The affirmation described in paragraph (f) of this clause shall be in Adobe Acrobat (.pdf) format (including the signature), while the inventories, both quarterly and annual, shall be in Microsoft Excel format (Adobe Acrobat and Microsoft Excel versions shall be compatible with versions used by DOS). Send all reports to:

(1) The contracting officer;

(2) The Property Administrator;

(3) The contracting officer's representative (COR);

(4) *Propertyreports@state.gov;*

(5) *RM-FPRA-PROP@state.gov;* and

(6) All individuals listed below (if any): [*contracting officer shall list individuals, if any*].

(j) The Contractor shall cooperate by responding timely to all follow up questions and requests for supporting documentation whether requested by the Department or external auditors.

(End of clause)

Dated: November 26, 2013.

**Corey M. Rindner,**

*Procurement Executive, Department of State.*

[FR Doc. 2013–29861 Filed 12–13–13; 8:45 am]

**BILLING CODE 4710–24–P**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Parts 648 and 697

**[Docket No. 130319263–3823–02]**

**RIN 0648–BD09**

## Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Final Rule To Allow Northeast Multispecies Sector Vessels Access to Year-Round Closed Areas

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Interim final rule.

**SUMMARY:** This rule allows fishing access for Northeast multispecies sectors to two portions of the Southern New England Nantucket Lightship Closed Area for the remainder of the 2013 fishing year under specified conditions. Although NMFS considered and proposed exemption requests that would allow sector vessels access to portions of Georges Bank Closed Areas I and II, NMFS is not granting access to those areas at this time. The intent of this rule is to allow sector vessels increased opportunities to harvest non-groundfish stocks such as monkfish, dogfish, and skates while minimizing impacts to overfished groundfish stock such as Georges Bank cod and yellowtail flounder.

**DATES:** Effective December 31, 2013, through April 30, 2014. Comments on the interim monitoring coverage measure must be received by January 15, 2014.

**ADDRESSES:** A copy of the accompanying environmental assessment is available from the NMFS Northeast Regional Office: John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. These documents are also accessible via the Federal eRulemaking Portal: *http://www.regulations.gov.*

You may submit comments on this document, identified by NOAA–NMFS–2013–0084, by any of the following methods:

• *Electronic Submissions:* Submit all electronic public comments via the

Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0084*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Fax:* (978) 281–9135, Attn: William Whitmore.

• *Mail:* Paper, disk, or CD–ROM comments should be sent to John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Closed Area Interim Final Rule.''

*Instructions:* All comments received are part of the public record and will generally be posted to *http://www.regulations.gov* without change. No comments will be posted for public viewing until after the comment period has closed. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Once submitted to NMFS, copies of addenda to fishing year 2013 sector operations plans detailing industry-funded monitoring plans, and the environmental assessment (EA), will be available from the NMFS NE Regional Office at the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** William Whitmore, Fishery Policy Analyst, phone (978) 281–9182, fax (978) 281–9135.

**SUPPLEMENTARY INFORMATION:**

## Background

Amendment 16 to the Northeast Multispecies Fisheries Management Plan (groundfish plan) allows sectors to request regulatory exemptions in their annual sector operations plans. We review and approve or disapprove sector exemptions on an annual basis. Exemption requests are only approved after we determine that the exemption is consistent with the groundfish plan's goals and objectives. For additional information on sector exemptions, the process for approving sector exemptions, and a description of current sector exemptions, please see the final rule for fishing year 2013 sector operations plans (78 FR 25591, May 2, 2013).

On May 3, 2013, NMFS partially approved Framework Adjustment 48 to the groundfish plan, which includes a provision that allows sectors to request access to year-round mortality closure areas. For additional information on Framework 48, see 78 FR 26118; May 3, 2013. Anticipating that Framework 48 would be approved, sectors included exemption requests from year-round closure areas in their initial fishing year 2013 operations plan submissions in the fall of 2012. This interim final rule partially approves these exemption requests.

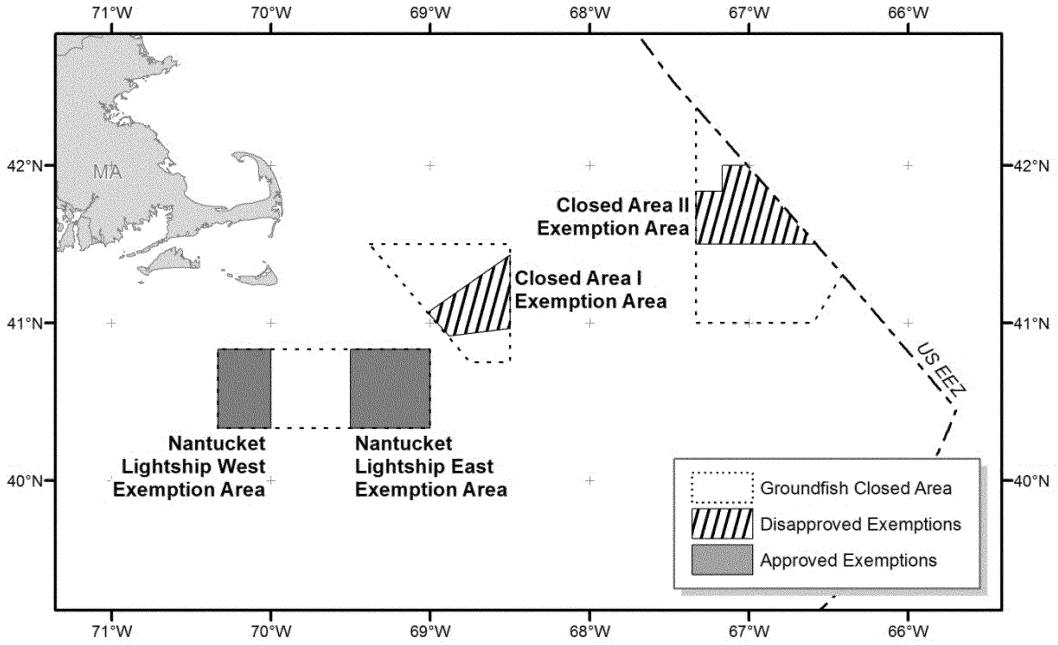
As explained in the proposed rule (78 FR 41772; July 11, 2013), recent analyses of these closed areas were undertaken by the New England Fishery Management Council's (Council) Closed Area Technical Team (CATT). Much of the work done by the CATT was incorporated into the environmental assessment that accompanies this action. In a separate action, the Council is also in the process of preparing Essential Fish Habitat (EFH) Omnibus Amendment 2 (referred to as the Omnibus Habitat Amendment) to several fishery management plans, including the groundfish plan. It is anticipated that the Omnibus Habitat Amendment will be completed by May 2014, and potentially implemented by the end of 2014.

While the measures approved in this rule are only for the 2013 fishing year, the current closed areas could be modified sometime during the 2014 fishing year as a result of the Omnibus Habitat Amendment. The Omnibus Habitat Amendment is considering allowing access to the areas being opened in this action within the context of balancing the protections and opportunities provided by a broad array of potential essential fish habitat management areas. The balance will seek to minimize impacts to essential fish habitat to the extent practicable. This action involves access to portions of these specific closed areas, without balancing the potential protections or opportunities provided by other areas. The broader focus of the Omnibus Habitat Amendment may result in providing more or less restrictive access to the portions of the closed areas considered in this action. Additional information on the Omnibus Habitat Amendment, including a map and descriptions of the proposed closed area modifications, can be found on the Council's Web site at *http://nefmc.org/habitat/index.html.*

We considered exemption requests from portions of the Nantucket Lightship Closed Area and Closed Areas I and II in a separate action from the final rule for fishing year 2013 sector operations plans for several reasons. First, proposing these exemption requests in a separate action gave us additional time to develop a more detailed and complete environmental analysis. Second, it provided a better opportunity to address specific concerns with the potential impact of actual sector proposals. Third, the public could provide additional comments to those already expressed in response to Framework 48. Fourth, because access to these closed areas was considered through sector exemptions, the NMFS Regional Administrator could include additional stipulations and constraints on specific exemptions to facilitate the monitoring and enforcement of sector operations or as mitigation measures to address specific potential impacts. The three proposed exemptions included additional constraints to mitigate impacts on groundfish stocks and protected resources to ensure that any approved exemptions are consistent with the goals and objectives of the groundfish plan.

Our consideration of these sector exemptions balanced factors specific to the protections of, and fishing opportunities for, fish stocks within small portions of these closed areas. The proposed exemptions were intended to provide economic opportunities to sector vessels to mitigate the impact of sharp reductions in catch limits. After considering over 81,100 comments submitted by the public, and after further review of the environmental assessment, we have elected not to grant sectors restricted access to Georges Bank Closed Areas I and II in fishing year 2013. This rule, however, does grant sector vessels access to portions of the Southern New England Nantucket Lightship Closed Area for the remainder of this fishing year. Further, we will use at least the standard federally funded sector at-sea monitoring and observer coverage level (22 percent of trips for the 2013 fishing year) for trips into the Eastern and Western Exemption Areas of Nantucket Lightship Closed Area (Figure A). Because this coverage level differs from what was initially proposed, we are soliciting additional comment on this issue. It is hoped that allowing carefully designed access to the Nantucket Lightship Closed Area will allow vessels to increase their catch of healthy non-groundfish stocks (such as monkfish, dogfish, and skates), while minimizing impacts to recovering groundfish stocks and protected resources.

Figure A – Approved and Disapproved Sector Exemptions for Closed Area Access for Fishing Year 2013




**Disapproval of Exemption Requests To Fish in Portions of Closed Areas I and II**

Although we proposed to allow access to fish in portions of Closed Areas I and II in the proposed rule, we are not approving sector exemption requests that would allow sector vessels to fish in those areas. Comments submitted by the fishing industry indicated that they would be unable to participate in the exemption if they were required to pay for a monitor on every trip. We are also concerned about the current status of Georges Bank cod and yellowtail flounder stocks, which are found in Closed Areas I and II. Furthermore, the vast majority of comments submitted by members of the public and environmental organizations are opposed to reopening the closed areas.

Our proposal to allow access to these areas was based on a balance of potential economic opportunity and efficiency with cost-effective monitoring and fish stock protections. We have concluded that the utility of opening these areas is outweighed by the potential adverse impacts to overfished fish stocks and because comments from industry state that it is too costly for them to participate in these exemptions. Because of the combination of the industry's lack of participation in these exemptions and our concern about the status of these overfished stocks, we are disapproving these requests.

We continue to believe it is critical that every trip into Closed Area I and II have an at-sea monitor or observer on board the vessel to monitor total catch from these areas. These areas were originally closed to protect struggling fish stocks. Specifically, Closed Areas I and II were closed to protect Georges Bank cod and haddock, which spawn in these areas. Because we know Georges Bank cod and yellowtail flounder, which are both severely depleted, reside in these areas, we believe it is appropriate to require additional monitoring coverage, especially since there are very few historical catch data from these areas. We are also concerned that observing only 22 percent of the trips into the areas could be insufficient for us to promptly address changes in the discard rates for groundfish stocks. Monitoring every trip would allow us to respond more quickly, should there be an unanticipated impact to the area, such as increased harvests of juveniles, large adult spawners, or impacts on protected species. Additionally, if a large amount of haddock, cod, or yellowtail flounder is found in a re-opened area, then vessels may unintentionally catch more fish than they have an allocation for, because catch limits are relatively low for these stocks. Avoiding exceeding one's allocation could provide a strong incentive for illegal discarding. Requiring a monitor to be on each vessel fishing in a closed area would mitigate this concern. Also, if there is a large amount of haddock in the area, a vessel may be tempted to misreport or illegally discard limiting stocks of Georges Bank cod and yellowtail flounder so that it can continue to harvest haddock. These concerns are not unique to closure areas. Because the closure areas provide additional protection to depleted groundfish stocks, we believe it is vitally important to get good catch information from these areas. Further, this level of monitoring would provide greater chances to observe interactions with protected species, if they occur, as well as an ancillary benefit of gaining additional fishery dependent data from the trips into these areas.

We proposed that sector vessels pay for at-sea monitors on these trips because we do not have money to pay for these additional trips. Unfortunately, comments submitted by members of the fishing industry, fishing industry interest groups, and sector managers argued that no fishing vessel would utilize the exemption if it were required to pay for an at-sea monitor. Industry claims that the additional expenses offset any potential increase in profit, making the exemption useless.

We are seriously concerned about the sustainability of the Georges Bank cod and yellowtail flounder stocks. Both of these stocks, which are overfished and subject to overfishing, are found in Closed Areas I and II, with yellowtail flounder found predominantly in Closed Area II. Despite proposals to require selective gears and seasonality restrictions, without 100-percent coverage of these trips, we cannot approve access to Closed Areas I and II. There is no utility in providing access, however, if industry does not participate.

Lastly, we are hearing from fishermen that they are having a difficult time catching Georges Bank haddock. As of September 11, 2013, we are over one third of the way into the fishing year and sector vessels have harvested only 2.7 percent of the Georges Bank haddock east quota, and 2.5 percent of the Georges Bank west haddock quota. These drastically low catch amounts suggest that the closed areas alone are not the only limiting factor influencing fishermen's Georges Bank haddock catch. Fishermen were requesting that we open Closed Areas I and II so they could increase their haddock catch—these low catch amounts, along with comments from some fishermen, suggest that opening Closed Areas I and II would not lead to a significant increase in haddock catch.

Sector exemptions should provide fishermen with greater flexibility to enhance their efficiency and, ultimately, improve their profits, all while maintaining the goals and objectives of the groundfish plan. We proposed allowing sectors restricted access into Closed Areas I and II, believing that if there were a substantial chance of enhancing efficiency, the increased revenue associated with increases in catch would easily offset the costs associated with funding an at-sea monitor. The proposal sought to provide the industry an opportunity for increasing catch and mitigating the impact of lower catch limits, while balancing efficiency in utilizing fishery resources, minimizing costs, and minimizing bycatch to the extent practicable consistent with Magnuson-Stevens Fishery Conservation and Management Act National Standards. Comments submitted by industry indicate that the proposed exemptions for these areas would not meet those goals because industry perceived that the economic benefits of the potential catch from these areas would not outweigh the costs of monitoring and stated they would not participate. Because of this, and because we want to continue working to rebuild overfished groundfish stocks, we are not approving these exemptions at this time.

NMFS is interested in gathering data from Closed Areas I and II so that it may conduct analyses to determine whether fishing can be allowed at a level of observer coverage less than 100 percent. Sector vessels interested in assisting NMFS in obtaining additional fisheries-dependent data from year-round closed areas may submit a request to NMFS for an exempted fishing permit. Exempted fishing permits authorize a federally permitted fishing vessel (or vessels) to conduct fishing activities that would otherwise be prohibited—in this instance, to fish in a year-round closed area under conditions that would not harm stocks. Exempted fishing permit requests would be expeditiously reviewed and authorized based on their merit. Permits would not be approved if it is determined that the exempted activities could undermine measures that were established to conserve and manage fisheries or reduce interactions with protected species.

NMFS will also reassess whether groundfish sector vessels might be able to access these closed areas if they are assigned a random observer or at-sea monitor. However, NMFS must ensure that new information or analysis from this reassessment shows that such trips would not compromise the legally required monitoring coverage levels for other groundfish trips across the entire fishery, or the underlying analytical principles that support catch and discard monitoring. NMFS will complete this reanalysis in time to determine whether this is a viable option for sector exemptions for the next fishing year, which begins May 1, 2014.

**Approval of an Exemption Request Allowing Sector Vessels Into Portions of Nantucket Lightship Closed Area**

This rule allows sector vessels access to the Eastern and Western Exemption Areas within the Nantucket Lightship Closed Area for the duration of fishing year 2013, as outlined in this preamble. Trawl vessels are restricted to using selective trawl gear, including the separator trawl, the Ruhle trawl, the mini-Ruhle trawl, rope trawl, and any other gear authorized by the Council in a management action. Flounder nets are prohibited in this area. Hook vessels are permitted. Gillnet vessels are restricted to fishing 10-inch (25.4-cm) diamond mesh or larger. Gillnet vessels are required to use pingers when fishing in the Western Exemption Area from December 1–May 31, because this area lies within the existing Southern New England Management Area of the Harbor Porpoise Take Reduction Plan.

Requiring selective gear in the Nantucket Lightship Closed Area allows vessels to target monkfish, dogfish, and skates while minimizing flounder bycatch. Although Southern New England/Mid-Atlantic yellowtail flounder is considered rebuilt, the requirement to use selective gear addresses concerns that vessels could harvest a large portion of yellowtail flounder allocation from this area, which is considered home to an important source population for yellowtail flounder. Catches of monkfish, dogfish, and skates could help mitigate the low fishing year 2013 allocations for several groundfish stocks.

After further review of the environmental assessment and after considering comments submitted by the public, we are reducing the necessary at-sea monitoring coverage level to the standard 22 percent. We will fund the at-sea monitors and observers and if any additional at-sea monitoring or Federal observer funding becomes available, we will consider increasing the coverage rate for trips into this area.

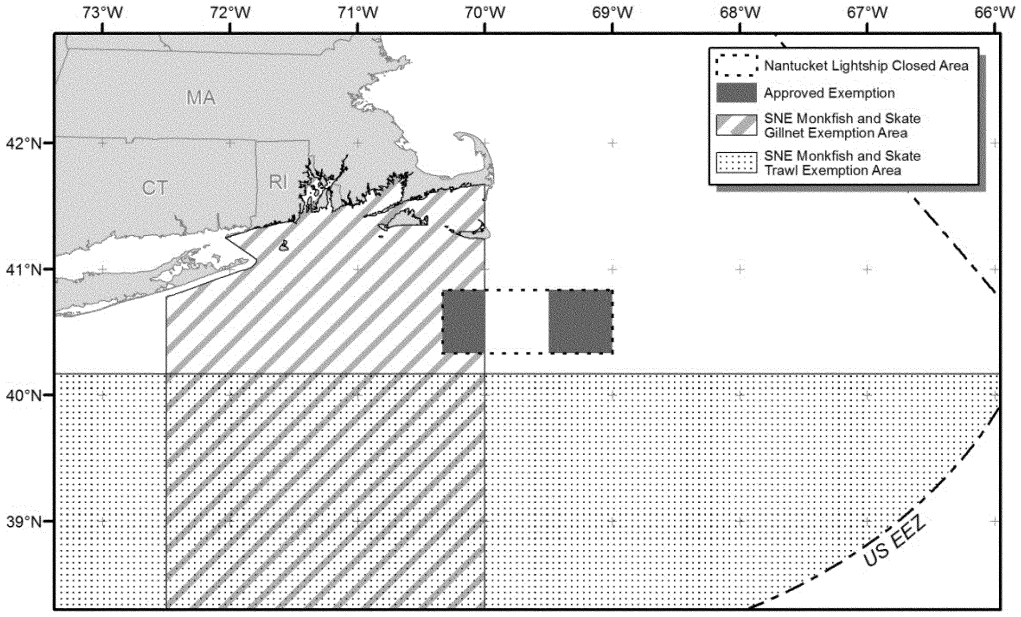
We have several reasons for modifying the at-sea monitoring coverage level in the Nantucket Lightship Closed Area. First, this exemption is designed to allow vessels to target non-groundfish stocks while reducing groundfish catch, and therefore groundfish discard rates. Second, there are not significant numbers of Georges Bank cod in the Nantucket Lightship Closed Area, and there are no Georges Bank yellowtail flounder in the area. Requiring selective gear in these areas reduces the likelihood that groundfish, including Southern New England/Mid-Atlantic yellowtail flounder, will be caught.

Second, the Western Exemption Area is surrounded by the Southern New England Monkfish, Skate, and Dogfish Exemption Area, where vessels fishing with extra-large mesh gillnets are already exempted from at-sea monitoring entirely (See Figure B). Gillnet vessels fishing under this exemption in the Western Exemption Area would be fishing in a similar area and with similar mesh size as those in the surrounding exempted fishery, but would have monitoring coverage. Vessels fishing just south of the areas are also exempt from monitoring coverage when fishing large mesh. Discard rates on trips in these two Exemption Areas are low, and we expect similar discard rates for this gear used in the Eastern and Western Exemption Areas. So while we have

reduced the monitoring coverage requirement from 100 percent to 22 percent, this 22 percent is still a higher level of coverage than for most trips in the immediate surrounding areas. For more information on these exempted fisheries see §§ 648.80(b)(6) and (b)(7).

This action becomes effective 15 days after the date of publication in the **Federal Register**. This delay is to allow vessels fishing fixed gear, such as lobster pots, to remove their gear from the eastern and western exemption areas, if they wish to do so, to avoid potential gear conflicts.

Figure B – Exempted Fisheries Surrounding the Nantucket Lightship Closed Area




If there is an increase in fishing effort as a result of allowing sector vessels into portions of the Nantucket Lightship Closed Area, and it is determined that the increased effort is reducing our ability to provide the necessary at-sea monitoring coverage to monitor other sector trips, we will discontinue the exemption. The Regional Administrator also reserves the authority to discontinue the exemption if it is determined that the exemption jeopardizes management measures, objectives, or rebuilding efforts.

A sector vessel intending to fish in the Eastern or Western Exemption Areas will be required to call the Northeast Fishery Observer Program at least 48 hr prior to departure. A separate number and call-in system is being developed and will be detailed in a bulletin to permit holders. Each vessel is also required to declare its intent through its Vessel Monitoring System prior to departing the dock. Unlike previously proposed, because we are using the same at-sea monitoring coverage rate as other sector trips, catch from these trips will be used for determining a sector's discard rate. We continue to work on additional implementation issues and will explain any additional reporting requirements (changes to trip start or end hail requirements, for example) to each sector that requests to utilize this exemption.

Because this level of monitoring coverage was not discussed in the proposed rule or the accompanying draft environmental assessment, we are specifically requesting public comment on the modification to reduce the monitoring coverage level (both at-sea monitors and observers) from 100 percent to some level that is at least 22 percent but less than 100 percent.

We have determined that this action is consistent with the goals and objective of Amendment 16 to the groundfish plan (for a complete list of the Amendment 16 goals and objectives, see page 67 of the Amendment 16 environmental impact statement). This rule allows sector vessels additional opportunities to increase their catch while constrained by an annual catch limit (Objectives 1 and 3). By restricting vessels to specific areas and gears, this rule minimizes vessel bycatch. Habitat impacts from fishing are minimized to the extent practicable because the areas were determined to have low vulnerability (Objectives 9 and 10). The exemptions granted to sector vessels through this rule increase the opportunity to meet optimum yield of several healthy fish stocks while constraining fishing mortality. Any increase in profits will benefit fishermen and fishing communities, while the gear restrictions will continue to allow overfished stocks to rebuild.

**Comments and Responses**

We received 90,263 comments in response to the proposed rule consisting of five petitions and numerous letters from individuals, organizations, and government entities. Three of the petitions including 74,943 signatures that were initially submitted in response to Framework 48, were resubmitted for this action. The remaining two petitions included 6,187 provided additional comments in response to this action. NMFS also received a petition that included another 9,082 additional comments, however this petition was submitted well after the comment period expired. The petitions, and

therefore the majority of comments, were submitted by environmental organizations. The individual comments consisted of letters received from the Council, U.S. Coast Guard, Maine Department of Marine Resources, seven environmental organizations, six fishing industry groups, and dozens of individuals. Some of the comments did not address the proposed measures and are not included here. Many comments are similar, if not identical, to those that were submitted for Framework 48. In those instances, we reference the Framework 48 response.

**Closed Areas Provide Benefits**

*Comment 1:* Several of the petitions submitted, as well as comments from many environmental groups and individuals, said that the closed areas should not be opened because they provide important protection for critical life stages and spawning activities of severely depressed stocks, such as cod.

*Response:* Closed Areas I and II were approved as year-round closures in 1994 to protect Georges Bank haddock and cod. The Nantucket Lightship Closed Area was approved as a year-round closed area that same year to reduce mortality on Southern New England/Mid-Atlantic yellowtail flounder. While Georges Bank haddock and Southern New England/Mid-Atlantic yellowtail flounder have rebuilt, both the Georges Bank cod and yellowtail flounder stocks are in decline and are struggling to rebuild. We felt that we could provide increased access to the rebuilt Georges Bank haddock in Closed Areas I and II if we required vessels to use selective gear to reduce catch of Georges Bank cod and yellowtail flounder. We also proposed seasonal prohibitions in Closed Areas I and II to protect spawning Georges Bank cod. These provisions were an attempt to prevent a potential mortality increase on stocks that are critically depressed. These gear and season restrictions were in addition to the quota that already constrains mortality.

We also proposed 100-percent monitoring coverage so that we could have a very clear picture of catch and discards. We believed that this level of coverage would allow us to monitor the use and impacts of the exemption in near-real time and potentially close the area earlier if necessary, should the information warrant it. However, comments submitted by members of the fishing industry stated that they are unable to pay for this level of coverage and would not access these areas under this monitoring requirement. Given the importance of having a high level of coverage in these areas, the fact that we are unable to fund this level of coverage, and the industry's comments that the cost of coverage required for access is too high compared to the potential benefit from access to these areas, we are disapproving access to Closed Areas I and II.

The status of many key groundfish stocks is poor. Recent status reports from the Transboundary Resource Assessment Committee (TRAC), which conducts an annual stock assessment of Georges Bank cod, haddock, and yellowtail flounder, have several troubling findings. For example, the combined Canadian and U.S. catches of Georges Bank yellowtail flounder in 2012 were 722 mt. The report explains that this is the first time since 1940 that catch has been less than 1,000 mt. Further, recruitment of the three most recent yellowtail flounder cohorts is estimated to be the lowest in the time series. The TRAC also explained that the average weight at length of Georges Bank cod, used to reflect condition, has been stable in the past, but has started to decline in recent years. Lower weights at age in the population in recent years and poor recruitment have contributed to the lack of rebuilding, and the TRAC is recommending a reduction in allocation for the 2014 fishing year.

We believe that the proposed rule included restrictions that would limit fishing impacts on these stocks, and properly monitor fishing trips under this exemption. However, in light of our concern about the continually declining status of Georges Bank cod and yellowtail flounder, we believe that it is not appropriate to increase fishing activity in Closed Areas I and II at this time.

On the other hand, Georges Bank cod are rarely in the Nantucket Lightship Closed Area, and Southern New England/Mid-Atlantic yellowtail flounder has recently been declared to be rebuilt. Vessels fishing in this area will not be targeting cod, haddock, or yellowtail flounder. Acknowledging concerns that a source population for Southern New England/Mid-Atlantic yellowtail flounder exists in that area, we included selective gear requirements with the exemption. For example, in addition to prohibiting the use of flounder nets in these areas, gillnet vessels will be fishing with net mesh sizes consistent with the requirements of nearby Exempted Fisheries that experience little to no groundfish bycatch. These selective gear requirements are in addition to each sector also being restricted by an allocation. We believe that we can monitor this fishery with the standard coverage rate. For these reasons, we believe that the Nantucket Lightship Closed Area differs from Closed Areas I and II, which is why we are approving restricted access to and lower monitoring coverage for this area so sector vessels can target monkfish, skate, and dogfish.

*Comment 2:* Four individuals, the Environmental Defense Fund, the Penobscot East Resource Center, and the Maine Coast Fishermen's Association suggested that closed areas are helping to provide needed refuge to overfished stocks and are helping struggling stocks rebuild.

*Response:* The results of analyses conducted by the Council's Closed Area Technical Team (CATT) are mixed when it comes to measuring the effectiveness of closed areas.

The data indicate that Closed Area II likely contributed to the recovery of Georges Bank haddock. Some data indicate that Closed Area II is providing refuge to stocks of Georges Bank cod and yellowtail flounder. It appears that a significant portion of the Georges Bank yellowtail flounder population can be found in Closed Area II. Larger cod are found in the Western Gulf of Maine Closed Area, as well as the northern portion of Closed Area II. These stocks have not rebuilt despite these closed areas. The peer-reviewed literature reviewed by the CATT had different findings regarding a correlation between closed areas and stock health.

Our proposed rule attempted to provide a balanced approach to reopening the areas by allowing very restricted access. While we are not allowing vessels into Closed Areas I or II, we are allowing vessels into the Nantucket Lightship Closed Area. More importantly, we are not deeming any of these areas as effective or ineffective. Further, this action is for fishing year 2013 only. A full review of essential fish habitats and year-round closures will be undertaken in the Habitat Omnibus Amendment, in which the most effective closed areas will be identified and implemented.

*Comment 3:* Several of the petitions, as well as comments from five individuals, argued that closed areas should not be opened because they protect vital benthic habitat and conserve essential fish habitat.

*Response:* While we agree that closing areas to bottom trawling does provide increased protection for essential fish habitats, the areas we proposed to reopen do not have benthic habitats that are considered vulnerable to fishing. An essential fish habitat assessment was conducted for this action, and we determined that the proposed action

would only have a minimal (or low negative) impact on essential fish habitat for federally managed species in the Northeast Region. As explained in the environmental assessment, benthic habitats in two of the areas (the Eastern Exemption Area within the Nantucket Lightship Closed Area, and Closed Area I) are periodically exposed to scallop dredging, and the overall vulnerability of bottom habitats in all four areas is low. More vulnerable hard-bottom areas in Closed Area II on eastern Georges Bank where there has been no bottom trawling or dredging since these areas were closed in 1994 would have only been exposed to fishing for 2 months. Habitats in the western Nantucket Lightship Closed Area Western Exemption Area are predominantly mud and sand, so any impacts of trawling there would be minimal.

Furthermore, we did not propose to open any of the year-round essential fish habitat closed areas any of the areas proposed to be closed in Omnibus Habitat Amendment 2.

*Comment 4:* Environmental Defense Fund and the Maine Coast Fishermen's Association suggested that closed areas provide managers with a buffer against uncertainty.

*Response:* We agree. A management buffer is helpful during times of such unknowns as retrospective patterns in stock assessments and the effect of climate changes. Based on fishing industry comments that the industry-funded monitoring requirements are unacceptable, we concluded that the benefit of this buffer is greater than the potential increase in catch and revenue from opening Closed Areas I and II. However, because the stocks in Nantucket Lightship Closed Area are healthier, and stocks of monkfish, dogfish, and skates are underharvested, we believe we can allow vessels into those areas with the standard federally funded monitoring coverage.

*Comment 5:* One individual suggested that we conduct additional scientific research, specifically a before-after-control impact analysis, prior to allowing vessels into the closed areas.

*Response:* Gathering additional data would be beneficial; however, we have very limited funding available. Research vessels do trawl in closed areas, but we have limited data from closed areas due to a very small number of tows. Again, this research effort is limited due to fiscal and time constraints. Further, in an effort to provide mitigation now for vessels struggling to overcome reduced allocations for fishing year 2013, we are attempting to provide increased access as soon as possible. It is highly unlikely that enough data could be gathered to properly conduct a before-after-control impact analysis prior to opening the area in fishing year 2013—potentially even before the Omnibus Habitat Amendment.

*Comment 6:* The Conservation Law Foundation, Earthjustice, and one individual commented that opening year-round closed areas to provide financial mitigation to offset decreased revenue that results from declining groundfish allocations is inappropriate. Several other commenters, including members of the fishing industry, environmental organizations, the Council, and Maine Division of Marine Resources, stated that the action as proposed would not provide any economic relief. Some commented that the short-term benefits would not outweigh the long-term financial loss associated with delayed rebuilding efforts. Others suggested that, because the data show no indication that there are larger amounts of fish in the closed areas, there would not be increased revenue from accessing the closed areas.

*Response:* In general, we agree with these comments. Our consideration of these exemptions involved a balancing of providing the industry an additional opportunity to achieve optimum yield to mitigate adverse effects of lower allocations with protecting vulnerable stocks and sufficiently monitoring fishing in these areas. If it were clear that vessels could significantly increase their catch per unit effort in a sustainable manner when accessing the closed areas (as we proposed), we would be more inclined to grant access, should industry participants be willing to pay for observer coverage. This does not seem to be the case for Closed Areas I and II. Because the universal comment submitted by both industry and environmental groups was that the proposed exemptions for Closed Areas I and II would likely not provide the amount of economic relief necessary to offset required monitoring costs, as this rule was intended to do, we are not opening Closed Areas I and II.

Because the stocks in Nantucket Lightship Closed Area are healthier than stocks in Closed Areas I and II and because we have included the selective gear requirements, we can provide access to Nantucket Lightship Closed Area with federally funded coverage at the standard coverage rate of 22 percent. Therefore, this option could allow industry more fishing opportunities with no additional expenses.

*Comment 7:* One individual and the Blue Ocean Institute commented that opening the year-round closed areas would result in increased mortality.

*Response:* We disagree with this assumption. Quotas are set using the best available science to limit fishing mortality overall so that overfishing does not result. Each sector is restricted to its allocation, which is a portion of a total quota. Fishing mortality in each of these closed areas would be further constrained by gear or season restrictions. Moreover, as proposed, every trip inside Closed Areas 1 and 2 would have been monitored and all catch (landings plus discards) would have counted against each sector's allocation. Further, having an at-sea monitor on board every trip would have reduced the possibility of some vessels illegally discarding catch. For each area, if a sector reaches its allocation of even a single stock, it would be prohibited from fishing in that stock area. Therefore, we believe that opening these areas as proposed would not result in increased mortality.

*Comment 8:* The Conservation Law Foundation suggested that requiring 100-percent at-sea monitoring coverage within a closed area and only 22-percent coverage outside of a closed area would increase illegal discarding on unobserved trips outside of closed areas. The Conservation Law Foundation explained that the catch inside the closed areas would ''be fully identified by observers and will result in significant reductions in the cod and yellowtail flounder that will be available to sector vessels outside the closed areas. Because the later trips will be observed at a much lower rate and the quotas for cod and yellowtail are so low, this access program almost creates an incentive for sector vessels to misreport cod and yellowtail bycatch and discards on observed trips outside the closed areas . . .''

*Response:* We disagree that these exemptions would provide an incentive to discard catch on unobserved trips outside of the closed areas that would result in substantially higher discards on unobserved trips. We have determined that the current level of observer coverage provides sufficiently reliable catch estimates to monitor sector allocations and ensure accountability of catch limits. This level of coverage currently applies outside of the closed areas and is sufficient to provide the basis for discard rates in those areas. Furthermore, because we are not allowing sectors access to Closed Areas I and II through this action, and we are removing the 100-percent coverage requirement for the Nantucket Lightship Closed Area, this concern is no longer valid.

**Process and Policies**

*Comment 9:* Several of the environmental groups argued that this action undermines the development of Omnibus Habitat Amendment 2. The commenters explained that this action makes a decision on a closed area prior to the completion of the Omnibus Amendment. For example, the areas this action considered opening represent the ''status quo'' areas in the Omnibus Amendment. These comments contend that, if we were to open these areas to fishing, they would be damaged prior to potentially being selected as the preferred alternative for the Omnibus Habitat Amendment.

*Response:* Both NMFS and the Council agreed to consider opening these areas because they are not considered to be vulnerable habitat, and this rule is only for a duration of fishing year 2013. The Council did not allow sectors to request exemptions from any areas that were newly proposed essential fish habitat management area alternatives in the Omnibus Habitat Amendment. As explained above, the proposed portions of Eastern Exemption Area within the Nantucket Lightship Closed Area and Closed Area I are already subject to fishing pressure. The Western Exemption Area and Closed Area II that we considered temporarily opening are not considered to be vulnerable to fishing. While these areas are included as the ''status quo'' under the Omnibus Habitat Amendment, research done by the Habitat Plan Development Team indicates that there could be better areas set-aside for habitat protection than the areas included in this rule. The Omnibus Habitat Amendment is considering numerous potential management areas in combination to minimize adverse effects on essential fish habitat to the extent practicable. This action is specific to providing suitable opportunities to mitigate sharp reductions in catch limits while still preventing overfishing and protecting vulnerable stocks. In other words, we believe that the Omnibus Habitat Amendment will provide ample opportunities to further enhance habitat protection, and these exemptions will not adversely impact that Amendment.

*Comment 10:* Several environmental organizations said that an environmental impact statement (EIS) is necessary because the impacts associated with this action would be significant.

*Response:* Framework 48 permits sectors to request exemptions from portions of the Western Gulf of Maine Closed Area, Closed Area I, Closed Area II, the Nantucket Lightship Closed Area, and Cashes Ledge Closed Area. We determined that the original exemption requests submitted by the sectors could have resulted in significant impacts. However, the Regional Administrator has the authority to modify sector exemption requests, which we did in this instance (see Comment 19 below). The exemptions proposed in this action were limited to areas of low vulnerability and are effective only in fishing year 2013. They included additional gear and season restrictions to further reduce potential impacts. Because of the additional restrictions, we determined that there would not be any significant impact and that an environmental assessment was sufficient for this action.

*Comment 11:* Earthjustice and the Conservation Law Foundation argued that including the groundfish closed areas in a Notice of Intent for the Omnibus Habitat Amendment directly linked the groundfish closed areas with essential fish habitat and that not taking a holistic approach represents a shift in NOAA/NMFS policy.

*Response:* The groundfish closed areas considered in this action were initially established to ''provide protection to depleted cod and haddock stocks.'' Other commenters, and the Council, have argued that these areas were established as ''mortality closure areas.'' There are obvious habitat benefits with closing an area to fishing, so it is understandable how the two can be linked. Simply put, not fishing in an area can provide an opportunity to improve the habitat.

Despite the fact that some argue that the proposed areas represent ''de facto'' habitat closed areas, and that discussing the two in the same Notice of Intent links them, they are in fact, two separate closures that are managed differently. Mobile bottom tending gear (bottom trawls and dredges) are prohibited from fishing in a habitat closed area. However, vessels can use bottom trawls and dredges in some groundfish year-round closed areas, for instance, through groundfish special access programs and scallop access areas. Because of this, we supported the ability for sectors to request exemptions from portions of groundfish closed areas that are not managed as essential fish habitat closed areas, and we are allowing vessels to fish in portions of the Nantucket Lightship Closed Area.

*Comment 12:* Earthjustice and the Conservation Law Foundation commented that this action (opening closed areas) cannot be undertaken as a framework adjustment to the groundfish plan and that an amendment is necessary.

*Response:* This comment was also submitted as a comment to Framework 48 allowing sectors to request a regulatory exemption that would allow them to fish in portions of the groundfish year-round closed areas. The response to this comment can also be found in the final rule for Framework 48 (78 FR 26148, May 3, 2013).

The regulations at § 648.90(c)(1)(i) state that changes to closed areas, management boundaries, essential fish habitat, sector administrative provisions, and sector specifications can be made in a framework. We believe that this action is consistent with the goals and objectives of the groundfish plan. For these reasons, we do not believe that an amendment is necessary.

*Comment 13:* The Conservation Law Foundation contends that this action illegally segments the required National Environmental Policy Act (NEPA) analyses from the Council's ongoing Omnibus Habitat Amendment.

*Response:* We responded to this comment in the final rule for Framework 48 (78 FR 26146, May 3, 2013). In our response we explained that we are not avoiding the development of an EIS because an EIS is being drafted for the Omnibus Habitat Amendment.

*Comment 14:* Several environmental groups claim that this action is inconsistent with the Magnuson-Stevens Act, NEPA, the Endangered Species Act, and the Marine Mammal Protection Act. They also commented that a Finding of No Significance (FONSI) cannot be approved for an environmental assessment without a proper Endangered Species Act (ESA) Section 7 consultation.

*Response:* NMFS followed the requirements of the Magnuson-Stevens Act and NEPA and believe that this action is consistent with the Magnuson-Stevens Act National Standards and the goals and objectives of the groundfish plan. The approved exemption balances providing an additional opportunity to achieve optimum yield to mitigate reductions in catch limits while preventing overfishing and protecting vulnerable stocks. We conducted an environmental assessment, including a review of impacts on essential fish habitat and endangered species and determined that there are no significant impacts.

While an ESA Section 7 consultation continues to be developed for the groundfish plan, we have determined that allowing these fisheries and associated research to continue during the reinitiation period will not violate

ESA sections 7(a)(2) and 7(d), meaning this action will not jeopardize the ESA-listed species in the action area. Northeast Regional Office staff analyzed these exemption requests through an environmental assessment, reviewed the assessment, and concluded that there would be no significant impacts.

*Comment 15:* Earthjustice and the Conservation Law Foundation commented that this rule represents a policy shift from Amendments 11 and 13 to the groundfish plan, where we explained that essential fish habitat is necessary to help groundfish stocks rebuild.

*Response:* We agree that it is necessary to minimize adverse impacts of fishing on essential fish habitat to the extent practicable. We do not believe that this rule represents a policy shift, however. It meets the goals and objectives of the groundfish plan and is consistent with Magnuson-Stevens Act National Standards. It balances allowing vessels an additional opportunity to achieve optimum yield to mitigate the adverse effects of reduced catch limits while preventing overfishing and protecting vulnerable fish stocks and habitat. The proposed areas are not vulnerable habitats and are already exposed to fishing pressure (see comments 3 and 9 above). The exemption attempts to minimize costs and improve efficient use of resources while taking into account the variations and contingencies in fisheries by allowing vessels to target healthy stocks while avoiding more vulnerable stocks and adjusting monitoring levels where practicable. We also included additional gear and seasonality restrictions that further help minimize bycatch to the extent practicable.

Specifically, based on public comment and our continuing goal of rebuilding fish stocks, we are not opening Closed Areas I and II. We are opening the portions of the Nantucket Lightship Closed Area because the area is not critical to stocks that are overfished or undergoing overfishing, such as Georges Bank cod or yellowtail flounder. Further, we have included additional restrictions with this exemption that will limit groundfish harvests while allowing vessels to target monkfish, skates, and dogfish.

**Protected Species Interactions**

*Comment 16:* One petition, the Center for Biological Diversity, the Humane Society, Whale and Dolphin Conservation, the Conservation Law Foundation, and one individual commented that they are concerned about an increase in protected species interactions in the proposed areas. One individual also commented that gillnets should be prohibited from fishing in any of the proposed areas.

*Response:* Analyses in the EIS for the Large Whale Take Reduction Plan indicate that the impacts on large whales and harbor porpoises from gillnets in these areas is substantially less than pot gear. In other words, there are significantly more vertical lines from pot gear than gillnets and, as a result, most impacts result from pot gear, not gillnet gear. For more information, see Chapter 3 of the Large Whale Take Reduction Plan EIS can be found at *http://www.nero.noaa.gov/protected/whaletrp/eis2013/deis/chapter-3-regulatory_alternatives.pdf.*

To reduce potential impacts on harbor porpoises, we are requiring pingers in the Western Exemption Area of the Nantucket Lightship Closed Area as required by the Harbor Porpoise Take Reduction Plan.

Importantly, it is likely that vessels will only fish in this area if they can increase their catch per unit effort of whatever fish they are targeting. In other words, it is illogical for vessels to continually fish in an area where they catch less fish. We expect either this area will not be more productive and will not be utilized, or it will be utilized with greater catch per unit effort, which would reduce the overall effort and therefore reduce the potential for interactions between protected species and fishing gear.

*Comment 17:* The Center for Biological Diversity, the Humane Society, and Whale and Dolphin Conservation argued that the Harbor Porpoise and Atlantic Large Whale Take Reduction Plans were constructed assuming that these areas would be closed.

*Response:* The original Harbor Porpoise Take Reduction Plan was based on the Gulf of Maine rolling closures, designed to protect spawning Gulf of Maine cod. The Western Gulf of Maine and Cashes Ledge year-round closed areas were added shortly afterwards (63 FR 66464, December 2, 1998). One of the reasons we cited for not including the Western Gulf of Maine and Cashes Ledge closed areas in the proposed rule was because of our concern about harbor porpoise interactions.

Importantly, overall fishing effort has been decreasing as a result of the drastic reductions in allocations. There were 447 takes during fishing year 2011 compared to the established potential biological removal level of 706. Furthermore, if there is an unanticipated increase in observed interactions with protected species as a result of allowing vessels to fish in the Nantucket Lightship Closed Area, the Regional Administrator reserves the authority to revoke the exemption. In addition, both the Harbor Porpoise and Large Whale Take Reduction Plans include accountability measures that would be enacted if the potential biological removal level is exceeded.

Lastly, as previously stated, this action complies with and follows the requirements of the Harbor Porpoise Take Reduction Plan, including the use of pingers in the Western Exemption Area. One peer-reviewed study that was published in the journal *Nature* (1997, Vol 388, page 525) found that harbor porpoise takes were reduced by 92 percent when pingers were used.

For these reasons, in addition to those included in the environmental assessment for this action, we do not believe that opening portions of the Nantucket Lightship Closed Area will have a significant impact on harbor porpoise or large whales.

**Industry-Funded At-Sea Monitoring**

*Comment 18:* Several fishing industry groups, including the Associated Fisheries of Maine, the Cape Cod Commercial Fishermen's Alliance, and the Northeast Seafood Coalition, along with the Council, Maine Division of Marine Resources, and several individuals, argued that the fishing industry needs financial assistance and that requiring industry to fund an at-sea monitor on 100 percent of the trips into closed area is financially unfeasible and negates the benefits of the proposed action.

*Response:* We proposed 100-percent at sea monitoring coverage for several reasons. As explained earlier in the preamble, these areas were originally closed to protect struggling fish stocks. Specifically, Closed Areas I and II were closed to protect Georges Bank cod and haddock. Because we know Georges Bank cod and yellowtail flounder, which are both severely depleted, reside in these areas, we believe it would be appropriate to require additional monitoring coverage if they were opened, so that we could thoroughly account for catch and discards. There is very little historical catch data from these areas, and we are concerned that observing only 22 percent of the trips into the area could be insufficient to identify changes in the discard rates for groundfish stocks. Monitoring every trip would allow us to respond more quickly, should there be an unanticipated impact to the area, such as increased harvests of juveniles, large adult spawners, or impacts on protected species. If a large amount of haddock,

cod, or yellowtail flounder were found in a re-opened area, then vessels could accidentally catch more fish than they have an allocation for, which could create an incentive for illegal discarding in an area for which we do not have established discard rates. Also, if there were a large amount of haddock in the area, a vessel could be tempted to misreport or illegally discard limiting stocks of Georges Bank cod and yellowtail flounder so that it could continue to harvest haddock. For these reasons, we believe that the proposed 100-percent at-sea monitoring coverage would be necessary if Closed Areas I and II were reopened.

We disagree with assertions that we are not providing mitigation to the fishing industry. We do not have enough Federal funds to cover this level of monitoring in these areas because we are already paying for 100 percent of the coverage on standard sector fishing trips. Arguably, we could fund trips into this area if we reduced our funding of other trips—but we do not believe this is a viable solution to provide coverage across the entire sector fishery. Amendment 16 stated that sectors would be required to fund all their monitoring coverage by fishing year 2012, yet we have provided funding for fishing years 2012, 2013, and are working to provide assistance for at least a portion of monitoring costs in fishing year 2014.

After reconsidering our initial proposal, we believe that we can allow vessels into portions of Nantucket Lightship Closed Areas with standard levels of monitoring coverage. Because we do not anticipate an increase in effort resulting from this decision, we believe that we can fund these trips.

*Comment 19:* Associated Fisheries of Maine, Maine Division of Marine Resources, the Council, and several individuals contend that NMFS inappropriately altered the Council's intent for Framework 48 by requiring 100-percent industry-funded at-sea monitoring without Council comment. Associated Fisheries of Maine, the Northeast Seafood Coalition, and several individuals also argued that NMFS should not alter the action as proposed by the Council and requested by the sectors.

*Response:* The regulations provide the Regional Administrator with the authority to consider, approve/disapprove, and modify exemption requests proposed by sectors (§ 648.87(c)(1–2)). We are required to ensure that exemptions are consistent with the Magnuson-Stevens Act National Standards and the groundfish plan's goals and objectives. We modified the request after careful consideration of the many factors required to ensure that compliance. Further, we modified the sector requests to avoid significant environmental impacts and to allow sectors to fish under the exemption during the current fishing year.

The proposed rule for fishing year 2013 sector operations plans (78 FR 16220; March 14, 2013, see page 16236) explained that we would require 100-percent industry-funded at-sea monitoring for several exemptions, including access to year-round closed areas. The comment period for the sector operations plans proposed rule was from March 14, 2013, until March 29, 2013. The Framework 48 final rule explained that it was unlikely that we would open the Western Gulf of Maine or Cashes Ledge Year-Round Closed Areas (78 FR 26118; May 3, 2013, see page 26145). Also, the Framework 48 final rule and the final rule for fishing year 2013 sector operations plans responded to comments opposed to industry-funded at-sea monitoring (78 FR 26118; May 3, 2013, see page 26145 and 78 FR 25591; May 2, 2013, see page 25610). Despite these comments and responses, the issue was not discussed at either the June 12, 2013, Groundfish Committee meeting or the June Council meeting the following week. We believe that the Council had adequate opportunities to comment on this issue.

We must consider efficiency in the utilization of fishery resources and minimize costs to the extent practicable when we consider exemptions. For example, if opening these closed areas were to provide sector vessels with economic benefits, the economic benefits should at least outweigh the costs of the appropriate level of at-sea monitoring deemed necessary to properly account for catch. If the financial benefits do not outweigh the costs of carrying a monitor, we believe that there is likely not enough financial incentive (enough fish) to outweigh the potential resource risks. This conclusion is supported by our analyses, as well as analyses by the Council's Closed Area Technical Team and industry comments.

To be clear, we have modified sector exemptions in the past and will likely modify them in the future if we believe it could be beneficial to the sectors. We do not necessarily know the impact of an exemption request until we analyze it. We need to review the requests within an environmental assessment. If an exemption request could have a significant impact, it requires an EIS. Because an EIS requires a substantial amount of time to develop, it is not possible to develop an EIS in time to approve a sector exemption during the fishing year. Furthermore, any action that requires an EIS should likely be discussed and approved by the Council.

It should be noted that approved exemptions are completely voluntary. Exemption requests are not regulations that are required to be approved or implemented. We view exemptions as opportunities to provide additional flexibility that can be utilized by a sector vessel as they wish, as long as the exemption meets the goals and objectives of the groundfish plan. Despite frequent opposition by industry to our modifications of exemption requests, we propose revised exemptions as an effort to aid sectors by offering an approvable option instead of simply denying a request. As explained earlier, the proposed rule was our attempt at finding a sustainable solution to a controversial issue.

*Comment 20:* The Council contends that catch history is not needed to accurately estimate discard rates because Standardized Bycatch Reporting Methodologies (SBRM) exist. The Council suggests that nothing in the SBRM guidelines link the accuracy of discard estimates to past catch history. The Council contends that SBRM does not indicate that 100-percent observer coverage is necessary in order to accurately monitor protected species interactions. Lastly, the Council argues that there is no evidence that the Agency considered a coverage level that is higher than in open areas but less than 100 percent.

*Response:* Because these areas have been closed, there is a lack of historical fishing data within the closed areas (referred to here as ''catch history''). We are concerned that observing only 22 percent of the trips into the area could be insufficient to identify changes in the discard rates for groundfish stocks. Monitoring every trip allows us to respond more quickly, should there be an unanticipated impact to the area, such as increased harvests of juveniles, large adult spawners, or protected species. The SBRM is not used alone to determine the at-sea monitoring levels necessary to monitor proposed management measures. It is a methodology designed to specify at-sea observer coverage levels that will allow discards to be estimated for the groundfish stocks as a group, with a specified level of precision. Text from the executive summary of the 2011 SBRM 3-year Review Report explains that ''SBRM is not intended to be the definitive document on the estimation methods nor is it a compendium of discard rates and total discards. Instead,

the SBRM is intended to support the application of multiple bycatch estimation methods that can be used in specific stock assessments. The SBRM provides a general structure for defining fisheries into homogeneous groups and allocating observer coverage based on prior information and the expected improvement in overall performance of the program. The general structure helps identify gaps in existing coverage, similarities among groups that allow for realistic imputation, and the tradeoffs associated with coverage levels for different species.''

While SBRM may not indicate that 100-percent coverage is necessary to properly monitor protected species interactions, 100-percent coverage was proposed not only for protected species interactions, but also to monitor catch (including discards) in an area where we have very little fishery data.

We did consider a coverage level that was higher than that in an open area but less than 100 percent but decided, as stated in comment 18, that 100-percent monitoring would be necessary for this exemption. For additional information on why we proposed 100-percent industry-funded at-sea monitoring, see the proposed rule for fishing year 2013 sector operations plans (78 FR 16220; page 16236). Also, it appears from the comments submitted on behalf of industry members that industry is unwilling to pay for any level of at-sea monitoring, making the argument for an intermediate level of coverage moot.

Recognizing the concern of the Council though, we have modified our original proposal to allow vessels to fish in portions of the Nantucket Lightship Closed Area with at least the standard monitoring coverage rate.

*Comment 21:* The Cape Cod Commercial Fishermen's Alliance suggested that we should have additional funding for at-sea monitoring this year due to a reduction in effort.

*Response:* We do not have additional funding this year. Only 6 months before the fishing year started, we were unsure if we would be able to even cover half of the trips that needed to be monitored. However, we were able to find additional money, and because of additional money that could be carried over from the previous year, we are hopeful we can fund observer coverage at the specified level for fishing year 2013.

We are going to fund the monitoring of trips into the Eastern and Western Exemption Areas in Nantucket Lightship Closed Area. If any additional at-sea monitoring or Northeast Fisheries Observer Program funding remains, we will increase our coverage as possible. We do not have adequate funding to pay for trips into Closed Areas I and II at the full coverage rate we believe is necessary.

*Comment 22:* The Council argued the Atlantic Herring management plan allows herring mid-water trawl vessels to fish in the groundfish closed areas only when an observer, funded by NMFS, is on board, and that a similar approach should be permitted in the groundfish fishery.

*Response:* We implemented a similar approach to industry-funded at-sea monitoring coverage with a fishing year 2012 exemption that allowed vessels to target redfish with smaller mesh (78 FR 14226; March 5, 2013). However, we were uncomfortable with this approach and later explained in the proposed rule for fishing year 2013 sector operations plans why we would not propose this method in the future (78 FR 16220; March 14, 2013, see page 16236). Essentially, we believe that a vessel that could fish in the closed areas would do so whenever it was randomly selected for an observer or at sea monitor. If every vessel did this, it could skew our observer coverage, affect our discard and catch estimates, and possibly prevent us from achieving the required at-sea monitoring coverage levels in other stock areas.

Further, the at-sea monitoring coverage requirements for the herring fishery are very different. Unlike the groundfish fishery, there is no regulatory requirement for at-sea monitoring coverage to achieve a specified level of precision.

*Comment 23:* The Cape Cod Commercial Fishermen's Alliance, The Maine Coast Fishermen's Association, Penobscot East Resource Center, and the Environmental Defense Fund supported our requirement for 100-percent at-sea monitoring coverage. These groups felt that a high level of monitoring is necessary to provide more real-time data. The Penobscot East Resource Center also commented that discarding in these areas is at a higher level than other areas.

*Response:* We proposed 100-percent monitoring because we believe it is necessary to properly monitor catch under these circumstances. A higher coverage rate allows us to better monitor vessels utilizing the exemption and therefore better manage the fishery, meaning we could stop the exemption if there were any unanticipated negative impacts. After further review, we are opening portions of the Nantucket Lightship Closed Area with the standard coverage level because we have less concern about overfished groundfish stocks in that area.

*Comment 24:* Environmental Defense Fund and the Cape Cod Commercial Fishermen's Alliance suggested that we make the at-sea monitoring information recorded from these areas available to the public following the end of the fishing year.

*Response:* To explain the fishing year 2013 at-sea monitoring requirements for the fishery, we published a document titled, ''Summary of analyses conducted to determine at-sea monitoring requirements for multispecies sectors, fishing year 2013.'' This report is available online at *http://www.nero.noaa.gov/ro/fso/reports/Sectors/ASM/FY2013_Multispecies_Sector_ASM_Requirements_Summary.pdf.* One of the appendices to that report presents data for each sector, by stock and gear, in a manner consistent with the data confidentiality requirements of Section 402(b) of the Magnuson-Stevens Act. This final rule establishes a sector exemption for specified gears within the Nantucket Lightship Closed Area requiring only the standard at-sea monitoring coverage level. As a result, the data for sector vessels that make trips into the exemption area will be pooled with the data for other trips made by vessels in each sector when the stock area and gear are the same. The information from the 2013 fishing year will be included in the summary we will publish in 2014 to support the determination of the at-sea monitoring requirements for the FY 2015 fishery.

**General Opposition to the Rule as Proposed**

*Comment 25:* The Associated Fisheries of Maine, Northeast Sector Support Network, Northeast Seafood Coalition, and several industry members suggested that we should open Cashes Ledge and the Western Gulf of Maine year-round closed areas.

*Response:* We did not propose allowing access to these areas because we cannot ensure at this time that access to these areas would be consistent with the groundfish plans goals and objectives and the Magnuson-Stevens Act National Standards. These areas provide refuge to overfished stocks of Gulf of Maine cod and haddock, both which are overfished and subject to overfishing. In addition, harbor porpoise are commonly found in the Western Gulf of Maine. The Council may consider opening up these portions after developing an EIS for the Omnibus Habitat Amendment, but we do not feel that it is appropriate to open these areas at this time.

*Comment 26:* The Northeast Seafood Coalition and the Northeast Sector

Support Network contend that effort controls are no longer necessary now that sectors have an allocation that limits their effort. As a result, closed areas and the accompanying restrictions that are proposed in this rule are not necessary to manage the fishery.

Response: We strongly disagree that managing effort, or input controls, including the use of closed areas and gear restrictions, are no longer necessary. Since Amendment 16 to the groundfish plan established annual catch limits and accountability measures and expanded the scope of sectors, not one sector has exceeded its allocation—this is important in a quota-managed fishery. Yet several key groundfish stocks, including Gulf of Maine cod, Gulf of Maine haddock, Georges Bank cod, and Georges Bank yellowtail flounder, are in worse condition than they were in fishing year 2010 when Amendment 16 was implemented. Despite our attempts at utilizing the best available science to develop annual quotas, and despite each sector adhering to its allocation each fishing year, many of our stocks continue to struggle to rebuild for a variety of reasons, including poor recruitment and possibly climate change. Simply put, quotas alone cannot manage this fishery.

Because of this, we do believe that additional measures, such as protection for juvenile and spawning fish, as well as essential fish habitats, are vital to helping the stocks rebuild. Furthermore, it is counter-productive to increase fishing pressure on stocks that are overfished and undergoing overfishing.

*Comment 27:* The Northeast Seafood Coalition and the Northeast Sector Support Network are opposed to the seasonality restrictions that were included in the proposed rule. The Cape Cod Commercial Fishermen's Alliance argued that gillnets should be permitted in Closed Area I and that hook gear should not be subject to the same restrictions as lobster and trawl gear.

*Response:* The seasonality restrictions were included to protect spawning stocks of Georges Bank cod, which is overfished and undergoing overfishing. As explained on our response to Comment 26, we believe effort controls such as seasonality restrictions are necessary to protect stocks that are in poor condition.

The Cape Cod Commercial Fishermen's Alliance comment focused on the fact that Closed Area I is not in a designated whale protection zone, harbor porpoise are not in the area, and pinger compliance could reduce any concern of increased interactions with protected species. We were prohibiting gillnets in the Closed Area I exemption area to protect Georges Bank cod because gillnets have relatively high bycatch rates; we were not prohibiting them in the area because of protected species interactions.

Lastly, the comment suggesting that hook gear should not be subject to the same restrictions as lobster and trawl gear as defined by the Addendum XX to the Atlantic States Marine Fisheries Commission Lobster Management Plan is moot since we are no longer opening Closed Area II as proposed.

*Comment 28:* The Northeast Seafood Coalition and Northeast Sector Support Network commented that the mortality closure areas, which is what the Council included in Framework 48 as areas that sectors could request exemptions from, have never been identified as habitat closed areas either in the past or proposed as alternatives in the Omnibus Habitat Amendment. Further, they say that they are commonly known and understood to be mortality closures only.

*Response:* As explained in the response to comment section in the Framework 48 final rule (78 FR 26118; May 3, 2013; see pages 26147–26148), the record clearly shows that the areas in question were created with several considerations in mind, including protection for spawning stocks and improvement of benthic habitats. It is not irrational to link mortality closure areas with habitat closure areas because there has been no groundfish fishing in many of the mortality areas, specifically the portions we proposed to open in this rule, for almost 20 years. It seems reasonable to argue that an area that was once closed to reduce mortality has been closed so long that it has improved habitat.

However, as explained in our response to Comment 11, we are not denying access to Closed Areas I and II because of habitat concerns. In fact, we proposed to open the areas because we believe that the habitat in these areas is either already subject to fishing pressure or not vulnerable to fishing. We are not allowing access into these two areas because industry has stated that they are unable to pay for the monitoring coverage we see necessary, given our concern about the health of such groundfish as Georges Bank cod and yellowtail flounder.

**Comments in General Support of the Proposed Action**

*Comment 29:* The Penobscot East Resource Center commented that allowing vessels offshore into Closed Areas I and II could increase inshore fishing opportunities for smaller dayboats.

*Response:* We expect this would be the case, at least to some degree, if the areas were opened. However, there is no guarantee that allowing vessels to fish offshore in Closed Areas I and II would reduce their inshore fishing effort. For example, even though a vessel may shift some of its fishing effort into Closed Area II to increase its catch of Georges Bank haddock, that vessel still has an allocation of Gulf of Maine winter flounder, American plaice, Cape Cod/Gulf of Maine yellowtail flounder, and other stocks that they could possibly catch inshore. As a result, approving the proposed opening of offshore areas would not necessarily reduce the inshore fishing effort of large vessels.

*Comment 30:* The Maine Coastal Fishermen's Association supported the accountability measures as proposed.

*Response:* We modified the exemptions because we believe that access to closed areas needs to be done in a responsible manner that is well monitored and protects struggling fish stocks. It is also important to consider the efficiency of fishery resources so that the utility of opening an area outweighs the potential costs, and to the extent practicable, reduce adverse economic impacts on communities and minimize costs. Because the vast majority of the comments submitted argued that the areas should not be opened, and industry is unwilling to pay for additional monitoring that we deem necessary to monitor stocks of concern, we are not opening Closed Areas I and II.

*Comment 31:* Environmental Defense Fund and the Penobscot East Resource Center suggested developing trigger thresholds that would result in closing the areas if certain catch levels are obtained.

*Response:* While we agree with this concept, we are not opening Closed Areas I or II at this time, therefore thresholds are not needed for those areas. We will monitor catches of groundfish, as well as catches of monkfish, dogfish, and skates in the Nantucket Lightship Closed Area, and will revoke the exemption if opening the area results in any unanticipated negative impacts. We will also revoke the exemption if it is determined that we have insufficient funding to meet our monitoring costs by allowing access to this area under standard observer coverage.

*Comment 32:* The Environmental Defense Fund supported opening the Nantucket Lightship Closed Area as long as a Great South Channel closure

is included in the Omnibus Habitat Amendment.

*Response:* While we support the idea of a variety of habitat closure areas in a variety of locations, we cannot predict a future Council decision. There are several alternatives in the Council's Omnibus Habitat Amendment for the Great South Channel area, and we continue to support a comprehensive approach to habitat protection.

We proposed opening the Nantucket Lightship Closed Area because we do not believe that it provides extensive habitat benefits and the benefits to the groundfish fishery of re-opening that area outweigh the potential impacts on fishery stocks. The Omnibus Habitat Amendment, if approved, is intended to minimize the adverse effects of fishing on EFH, to the extent practicable.

*Comment 33:* The Atlantic Offshore Lobstermen's Association and one industry member suggested that NMFS needs to anticipate potential gear conflicts and work with industry to resolve the conflicts rather than forcing industry to take on the burden itself.

*Response:* We understand the concerns expressed by lobstermen and will take a more active role in the future. Further, we commend the lobster and groundfish industries for working together to develop a compromise. Because we did not approve the exemption that would allow sector vessels into a portion of Closed Area II, the lobster agreement made between the Atlantic Offshore Lobstermen's Association and several sectors is no longer necessary for fishing year 2013. If sectors request the exemption for fishing year 2014, and if it is approved, the agreement would come into play and the regulatory language that was included in the proposed rule would be proposed again.

Regulations adding increased restrictions on offshore lobster vessels were included in the proposed rule, but because the exemption is not being approved, the regulations are not included in this final rule. If the exemption is requested in the future, similar regulations would be proposed and would be implemented if the exemption were approved.

**Classification**

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the Northeast Multispecies Fishery Management Plan, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be significant for purposes of Executive Order E.O. 12866.

This final rule does not contain policies with federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630.

Under 5 U.S.C. 553(d)(1), the Assistant Administrator for Fisheries finds good cause to waive the 30-day delayed effectiveness of this action. Waiving the 30-day delay in the effective date balances the needs of different user groups who fish in the Eastern and Western Exemption Areas. This action reduces regulatory restrictions by allowing sector vessels access to areas previously closed to fishing. Failure to waive the 30-day delayed effectiveness would result in missed opportunities for sector vessels to increase profits by increasing their catch of healthy fish stocks that are underharvested. However, NMFS is allowing for 15 days before implementing this rule so that vessels fishing fixed gear, such as lobster pots, in the Eastern and Western Exemption Areas can remove their gear from the areas should they wish to do so. This shorter delay should provide sufficient time for vessels to remove gear and avoid potential gear conflicts while also providing sector vessels quick access to these fishing grounds. Implementing this plan quickly meets Objectives 1 and 3 of the groundfish plan by allowing sector vessels additional fishing opportunities. Selective gears used in these areas reduces bycatch, and minimizes habitat impacts (Objectives 9 and 10).

The Regulatory Flexibility Act, 5 U.S.C. 601–612, requires agencies to assess the economic impacts of their proposed regulations on small entities. The objective of the Regulatory Flexibility Act is to consider the impacts of a rulemaking on small entities, and the capacity of those affected by regulations to bear the direct and indirect costs of regulation. Size standards have been established for all for-profit economic activities or industries in the North American Industry Classification System. On June 20, 2013, the Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398). 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.

Taking this change and public comment into consideration, NMFS has identified no additional significant alternatives that accomplish statutory objectives and minimize any significant economic impacts of the proposed rule on small entities. Because sector exemptions are voluntary and would likely only be utilized when economically beneficial to sector vessels, we do not see any difference between impacts to larger vessels or companies versus smaller. We also do not see any significant economic impacts in general. Further, the new size standards do not affect the decision to prepare a Final Regulatory Flexibility Analysis as opposed to a certification for this action. Because there are so few companies that were listed as large entities prior to the rule change, increasing the size standards would only further reduce the number of larger entities. In this instance we believe that preparing a Final Regulatory Flexibility Analysis was a more transparent, conservative, responsible approach that required additional analyses that provided the agency and the public with more information.

Pursuant to the Regulatory Flexibility Act, and prior to Small Business Administration's June 20 final rule, an initial regulatory flexibility analysis was developed for this action using Small Business Administration's former size standards. NMFS has reviewed the analyses prepared for this action in light of the new size standards. The new standards could result in a few more entities being considered small.

The Small Business Act defines affiliation as: Affiliation may arise among two or more persons with an identity of interest. Individuals or firms that have identical or substantially identical business or economic interests (such as family members, individuals or firms with common investments, or firms that are economically dependent through contractual or other relationships) may be treated as one party with such interests aggregated (13 CFR 121.103(f)).

A Final Regulatory Flexibility Analysis was prepared for this action, as required by section 604 of the Regulatory Flexibility Act. The Final Regulatory Flexibility Analysis includes the **SUMMARY** and Comments and Responses section in this rule, the analyses contained in the accompanying environmental assessment (including the Regulatory Impact Review and Regulatory Flexibility Analysis, and the Initial Regulatory Flexibility Analyses summary in the proposed rule). The Final Regulatory Flexibility Analysis describes the economic impact of this action on small entities. A description of the action, why it is being considered, and the legal basis for this action are

contained in the preamble to the proposed and final rule in Sections 1.0, 2.0, and 3.0 of the EA prepared for this action, and is not repeated here. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

**Description of the Reasons Why Action by Agency Is Being Considered**

The flexibility afforded to sectors includes exemptions from certain specified regulations as well as the ability to request additional exemptions. Sector members no longer have groundfish catch limited by days-at-sea allocations and are instead limited by their allocations. In this manner, the economic incentive changes from a vessel maximizing its effective catch of all species on a day-at-sea to maximizing the value of its allocation, which places a premium on timing landings to market conditions, as well as changes in the selectivity and composition of species landed on fishing trips. Further description of the purpose and need for this action is contained in Section 2.0 of the EA.

**The Objectives and Legal Basis for the Proposed Action**

This action grants sectors a regulatory exemption allowing sector vessels restricted access to fish in portions of Nantucket Lightship Closed Area. The legal basis for the proposed action is the NE Multispecies FMP and promulgating regulations at § 648.87. Regulations adding increased restrictions on offshore lobster vessels were included in the proposed rule, but because the exemption is not being approved, the regulations are not included in this final rule.

**Estimate of the Number of Small Entities**

As explained above, the SBA size standard for commercial fin-fishing entities (North American Industry Classification System code 114111) is $19 million in annual sales and $5 million in annual sales for shellfish fishing entities. To determine an entity's size, we consider a vessel's affiliations. We have recently worked to identify ownership affiliations and incorporated those data into this analysis. Although work to more accurately identify ownership affiliations is ongoing, for the purposes of this analysis, ownership entities are defined as an association of fishing permits held by common ownership personnel as listed on permit application documentation. Only permits with identical ownership personnel are categorized as an ownership entity.

Using the Small Business Administration's size standard prior to its revision, NMFS determined that the maximum number of entities affected by this action is expected to be approximately 303. A total of 301 groundfish ownership entities are considered small entities, based on the Small Business Administration's prior size standard. It is likely that all 303 of the groundfish vessels ownership entities would be considered small entities following the Small Business Administration's revision. The economic impact resulting from this action on these small groundfish entities is positive, since the action provides additional operational flexibility to vessels participating in NE multispecies sectors for FY 2013. In addition, this action further mitigates negative impacts from the implementation of Amendment 16, Frameworks 44 and 45, which have placed additional restrictions on the NE multispecies fleet, as well as Frameworks 48 and 50.

**Reporting, Recordkeeping, and Other Compliance Requirements**

This rule contains no collection-of-information requirement subject to the Paperwork Reduction Act. This action provides additional flexibility to sector vessels in fishing year 2013 by allowing them to fish in areas that were previously closed. Sector vessels are required to declare their intent to fish in these areas prior to departure. Exemptions implemented through this action will be documented in a letter of authorization issued to each vessel participating in an approved sector.

**Duplication, Overlap or Conflict With Other Federal Rules**

The final rule is authorized by the regulations implementing the NE Multispecies FMP. It does not duplicate, overlap, or conflict with other Federal rules.

**Alternatives Which Minimize Any Significant Economic Impact of Proposed Action on Small Entities**

NMFS considered two alternatives for this action, the No Action Alternative and the Preferred Alternative. Under the No Action Alternative, sector vessels would not be able to fish in year-round closed areas unless fishing within an existing, approved Special Access Program. The No Action Alternative is the disapproval of the exemption and addendum to any sector's operations plan. The No Action Alternative would result in sector vessels operating under the operations plans as approved for the start of the 2013 FY on May 1, 2013. Approving the No Action Alternative could contribute to continued under harvesting of Georges Bank haddock and would eliminate the potential for groundfish fishermen to increase their profits by limiting access to other stocks such as monkfish, dogfish, and skates.

The Preferred Alternative (the proposed action) would allow sector vessels to fish in portions of the Nantucket Lightship Closed Area, Closed Area I, and/or Closed Area II. The Preferred Alternative is expected to create a positive economic impact for the participating ownership entities that include sector vessels because it would mitigate the impacts from restrictive management measures implemented under the groundfish plan within certain groundfish closed areas. Few quantitative data on the precise economic impacts to individual ownership entities are available. The *2011 Final Report on the Performance of the Northeast Multispecies (NE multispecies) Fishery (May 2010–April 2011)* (copies are available from NMFS, see ADDRESSES) documents that all measures of gross nominal revenue per trip and per day absent in 2011 were higher for the average sector vessel than in 2010, and lower for the average common pool vessel than in 2010, except for average revenue per day on a groundfish trip for vessels under 30 ft (9.14 m) in length and for vessels 75 ft (22.86 m) and above. However, the report stipulates that this comparison is not useful for evaluating the relative performance of DAS and sector–based management because of fundamental differences between these groups of vessels, which were not accounted for in the analyses. Accordingly, quantitative analysis of the impacts of sector operations plans is still limited. NMFS anticipates that by switching from effort controls of the common pool regime to operating under a sector allocation, sector members will have a greater opportunity to remain economically viable while adjusting to changing economic and fishing conditions. Thus, the preferred action provides benefits to sector members that they would not have under the No Action Alternative.

**Economic Impacts on Small Entities Resulting From Proposed Action**

The environmental impact statement for Amendment 16 compares economic impacts of sector vessels with common pool vessels and analyzes costs and benefits of the universal exemptions. The final rules for the approval of sector operations plans and contracts for fishing years 2010–2013 (75 FR 18113, April 9, 2010; 75 FR 80720, December 23, 2010; 76 FR 23076, April 25, 2011;

77 FR 26129, May 2, 2012; 78 FR 25591, May 2, 2013) and their accompanying EAs discussed the economic impacts of the exemptions requested by sectors in those years.

The EA prepared for this rule evaluates the impacts of each closed area alternative individually relative to the No Action Alternative (i.e., no sectors are approved), and the alternatives may be approved or disapproved individually or as a group. The impacts associated with the implementation of each of the exemptions proposed in this rule are analyzed as if each exemption would be implemented for all sectors. The EA analyses include all sectors because all sectors can request the exemption. Sectors can also add approved exemptions to the operations plans at any point during the fishing year. Further, attempting to limit the analyses to a specific number of sectors would be incorrect because any sector(s) could lease in all the remaining allocation and fish for that allocation under the exemption. Therefore, it is important to analyze the impacts as if the entire allocation could be harvested under the exemption. However, each exemption will only be implemented for the sector(s) that requested that exemption.

Approval of this rule would provide greater operational flexibility and increased fishing opportunities to sector vessels. Increased ''operational flexibility'' generally has positive impacts on human communities as sectors and their associated exemptions grant fishermen some measure of increased operational flexibility. By removing the limitations on vessel effort (amount of gear used, number of days declared out of fishery, trip limits and area closures), sectors help create a more simplified regulatory environment. This simplified regulatory environment grants fishers greater control over how, when, and where they fish, without working under increasingly complex fishing regulations with higher risk of inadvertently violating one of the many regulations. The increased control granted by the sectors and their associated exemptions may also allow fishermen to maximize the ex-vessel price of landings by timing them based on market prices and conditions. Generally, increased operational flexibility can result in reduced costs and/or increased revenues. All exemptions contained in the proposed fishing year 2013 sector operations plans are expected to generate positive social and economic effects for sector members and ports. In general, profits can be increased by increasing revenues or decreasing costs. Similarly, profits decrease when revenues decline or costs rise. The intent of this action is to allow fishermen to increase their revenues by increasing their catch, which would increase their revenue. Also, fishermen may potentially increase their catch per unit effort, which would also decrease their costs.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: December 11, 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. 2013–29857 Filed 12–13–13; 8:45 am]

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# Proposed Rules

Federal Register
Vol. 78, No. 241
Monday, December 16, 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 THE TREASURY

### Internal Revenue Service

### 26 CFR Part 1

**[REG–136984–12]**

**RIN 1545–BL21**

## Section 752 and Related Party Rules

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document contains proposed regulations under section 752 of the Internal Revenue Code (Code) relating to recourse liabilities of a partnership and the special rules for related persons. The proposed regulations affect partnerships and their partners.

**DATES:** Written or electronic comments and request for a public hearing must be received by March 17, 2014.

**ADDRESSES:** Send submissions to: CC:PA:LPD:PR (REG–136984–12), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–136984–12), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically, via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–136984–12).

**FOR FURTHER INFORMATION CONTACT:** Concerning the proposed regulations, Caroline E. Hay or Deane M. Burke, at (202) 317–5279; concerning the submissions of comments and requests for a public hearing, Oluwafunmilayo (Funmi) Taylor at (202) 317–5179 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

### Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) under section 752 regarding a partner's share of recourse partnership liabilities.

Section 752(a) provides, in general, that any increase in a partner's share of partnership liabilities (or an increase in a partner's individual liabilities by reason of the assumption by the partner of partnership liabilities) will be considered a contribution of money by such partner to the partnership. Conversely, section 752(b) provides that any decrease in a partner's share of partnership liabilities (or a decrease in a partner's individual liabilities by reason of the assumption by the partnership of such individual liabilities) will be considered a distribution of money to the partner by the partnership.

When determining a partner's share of partnership liabilities, the regulations under section 752 distinguish between two categories of liabilities—recourse and nonrecourse. In general, a partnership liability is recourse to the extent that a partner or related person bears the economic risk of loss as provided in § 1.752–2 and nonrecourse to the extent that no partner or related person bears the economic risk of loss. See § 1.752–1(a)(1) and (2).

These proposed regulations provide guidance as to when and to what extent a partner is treated as bearing the economic risk of loss for a partnership liability when multiple partners bear the economic risk of loss for the same partnership liability (overlapping economic risk of loss). In addition, these proposed regulations provide guidance when a partner has a payment obligation with respect to a liability or makes a nonrecourse loan to the partnership (and no other partner bears the economic risk of loss for that liability) and such partner is related to another partner in the partnership.

### Explanation of Provisions

*1. Overlapping Risk of Loss*

Under § 1.752–2(a), a partner's share of a recourse partnership liability equals the portion of that liability, if any, for which the partner or related person bears the economic risk of loss. Section 1.752–2(b)(1) provides that a partner bears the economic risk of loss for a partnership liability to the extent that, if the partnership constructively liquidated, the partner or related person would be obligated to make a payment on the partnership obligation to any person or a contribution to the partnership (payment obligation) because the liability becomes due and payable and the partner or related person would not be entitled to reimbursement from another partner or a person that is related to another partner. Moreover, under § 1.752–2(c)(1), a partner bears the economic risk of loss for a partnership liability to the extent that the partner or a related person makes (or acquires an interest in) a nonrecourse loan to the partnership and the economic risk of loss for the liability is not borne by another partner. Section 1.752–4(c) provides that the amount of an indebtedness is taken into account only once.

The IRS and the Treasury Department are aware that there is uncertainty as to how partners should share a partnership liability if multiple partners bear the economic risk of loss with respect to the same liability. The temporary regulations under § 1.752–1T(d)(3)(i) that preceded the existing final regulations under section 752 addressed the issue of overlapping economic risk of loss by providing that ''if the aggregate amount of the economic risk of loss that all partners are determined to bear with respect to a partnership liability (or portion thereof) . . . exceeds the amount of such liability (or portion thereof), then the economic risk of loss borne by each partner with respect to such liability shall equal the amount determined by multiplying the amount of such liability (or portion thereof) by the fraction obtained by dividing the amount of the economic risk of loss that such partner is determined to bear with respect to that liability (or portion thereof) by the sum of such amounts for all partners.'' The rule in the temporary regulations, however, was not included in the final regulations in part in response to comments that the proposed regulations addressed too many topics generally and should be simplified to focus on more basic concepts. See 56 FR 36704–02 (1991–2 CB 1125).

The IRS and the Treasury Department have received comments requesting guidance in this area. The IRS and the Treasury Department continue to balance the importance of simplicity in regulations under section 752 against the utility of providing additional guidance on identified issues. In light of comments received, the IRS and the

Treasury Department believe that a rule is needed to address overlapping economic risk of loss due to uncertainty under the current regulations and believe that the concepts from the temporary regulations regarding the overlapping risk of loss rule provide a reasonable approach in addressing how a partnership liability should be shared among partners bearing the economic risk of loss for the same liability. Accordingly, these proposed regulations adopt the rule from the temporary regulations.

*2. Tiered Partnerships*

The rules under section 752 regarding the allocation of liabilities in a tiered partnership structure also may result in overlapping economic risk of loss. Section 1.752–2(i) provides that if a partnership (the ''upper-tier partnership'') owns (directly or indirectly through one or more partnerships) an interest in another partnership (the ''lower-tier partnership''), the liabilities of the lower-tier partnership are allocated to the upper-tier partnership in an amount equal to the sum of the following: (1) The amount of the economic risk of loss that the upper-tier partnership bears with respect to the liabilities; and (2) the amount of any other liabilities with respect to which partners of the upper-tier partnership bear the economic risk of loss. Section 1.752–4(a) further provides that an upper-tier partnership's share of the liabilities of a lower-tier partnership (other than any liability of the lower-tier partnership that is owed to the upper-tier partnership) is treated as a liability of the upper-tier partnership for purposes of applying section 752 and the regulations thereunder to the partners of the upper-tier partnership.

The regulations therefore allocate a recourse liability of a lower-tier partnership to an upper-tier partnership if either that upper-tier partnership, or one of its partners, bears the economic risk of loss for the liability. When a partner of the upper-tier partnership is also a partner in the lower-tier partnership, and that partner bears the economic risk of loss with respect to a liability of the lower-tier partnership, the current regulations do not provide guidance as to how the lower-tier partnership should allocate the liability between the upper-tier partnership and the partner. The IRS and the Treasury Department believe that the lower-tier partnership should allocate the liability directly to the partner. The IRS and the Treasury Department believe that this approach is more administrable and ensures that the additional basis resulting from the liability is only for the benefit of the partner that bears the economic risk of loss for the liability. Thus, the proposed regulations modify the tiered-partnership rule in § 1.752–2(i)(2) to prevent a liability of a lower-tier partnership from being allocated to an upper-tier partnership when a partner of the lower-tier partnership and the upper-tier partnership bears the economic risk of loss for such liability.

*3. Related Party Rules*

A. Constructive Owner of Stock

Under § 1.752–4(b)(1), a person is related to a partner if the partner and the person bear a relationship to each other that is specified in sections 267(b) or 707(b)(1), except that 80 percent or more is substituted for 50 percent or more in each of those sections, a person's family is determined by excluding siblings, and sections 267(e)(1) and 267(f)(1)(A) are disregarded.

In determining whether a partner and a person bear a relationship to each other that is specified in section 267(b), the constructive stock ownership rules in section 267(c) are applicable. Specific to partnerships, section 267(c)(1) provides, in part, that stock owned directly or indirectly by or for a partnership is considered as being owned proportionately by or for its partners. Therefore, if a partnership owns all of the stock in a corporation, a partner that owns 80 percent or more of the interests in the partnership is considered to be related to the corporation under § 1.752–4(b)(1). If the corporation has a payment obligation with respect to a liability of its partnership owner, or the corporation lends to the partnership and the economic risk of loss for the liability is not borne by another partner, any partner that is treated as related to the corporation bears the economic risk of loss for the partnership liability under § 1.752–2. The IRS and the Treasury Department believe that partners in a partnership, where that partnership owns stock in a corporation that is a lender to the partnership or has a payment obligation with respect to a liability of its partnership owner, should not be treated as related, through ownership of the partnership, to the corporation. A partner's economic risk of loss that is limited to the partner's equity investment in the partnership should be treated differently than the risk of loss beyond that investment. Thus, for purposes of § 1.752–4(b)(1), the proposed regulations disregard section 267(c)(1) in determining whether a partner in a partnership is considered as owning stock in a corporation to the extent the corporation is a lender or has a payment obligation with respect to a liability of its partnership owner.

B. Person Related to Multiple Partners

Section 1.752–4(b)(2)(i) provides that if a person is related to more than one partner in a partnership under § 1.752–4(b)(1), the related party rules in § 1.752–4(b)(1) are applied by treating the person as related only to the partner with whom there is the highest percentage of related ownership (greatest percentage rule). If, however, two or more partners have the same percentage of related ownership and no other partner has a greater percentage, the liability is allocated equally among the partners having the equal percentages of related ownership.

The IRS and the Treasury Department have recently received comments requesting that the greatest percentage rule be removed. The commenter explains that if a person is related to more than one partner under § 1.752–4(b)(1), the ultimate determination of a person's relatedness to a partner should not be based on which partner has the highest percentage of related ownership because differences in ownership percentages within a 20-percent range do not justify treating a person as related to one partner over another. After considering the comments, the IRS and the Treasury Department agree with the comments, especially given the administrative burden associated with determining precise ownership percentages above the 80-percent threshold in § 1.752–4(b)(1)(i). Therefore, the proposed regulations remove the greatest percentage rule and provide that if a person is a lender or has a payment obligation for a partnership liability and is related to more than one partner, those partners share the liability equally.

C. Related Partner Exception to Related Party Rules

Section 1.752–4(b)(2)(iii) provides that persons owning interests directly or indirectly in the same partnership are not treated as related persons for purposes of determining the economic risk of loss borne by each of them for the liabilities of the partnership (the related partner exception). The IRS and the Treasury Department are aware that taxpayers are uncertain of the application of the related partner exception following the decision in *IPO II* v. *Commissioner,* 122 T.C. 295 (2004). *IPO II* involved an individual, Mr. Forsythe, who owned 100 percent of an S corporation, Indeck Overseas, and 70

percent of a second S corporation, Indeck Energy. Mr. Forsythe's children owned the remaining 30 percent of Indeck Energy. Mr. Forsythe and Indeck Overseas formed a partnership, IPO II, which received a loan from a bank. To secure that loan, Mr. Forsythe, Indeck Energy, and Indeck Power (a C corporation of which Mr. Forsythe owned 63 percent) entered into guarantees with the bank. IPO II allocated 99 percent of the increase in basis attributable to this liability to Indeck Overseas. *Id.* at 296–97. The Tax Court held that this allocation was incorrect because Indeck Overseas was not directly or indirectly liable for the debt. The court, while stressing that it interprets ''the policy behind the related partner exception as preventing the shifting of basis from a party who bears actual economic risk of loss to one who does not,'' did not end its analysis by stating that Mr. Forsythe guaranteed the debt, and thus his economic risk of loss could not be shifted to Indeck Overseas which did not guarantee the debt. *Id.* at 303. The court instead examined whether Indeck Overseas indirectly bore the economic risk of loss due to its relationship with a related party, Indeck Energy. The Tax Court held that the relationship between Indeck Overseas and Indeck Energy arose through Mr. Forsythe. Because the related partner exception shuts off the relationship between Mr. Forsythe and Indeck Overseas, it should be turned off for all purposes; therefore, Indeck Energy was not related to Indeck Overseas. *Id.* at 304.

The IRS and Treasury Department believe the related partner exception should only apply where a partner has a payment obligation or is the lender with respect to a partnership liability. *IPO II* may be read to expand the related partner exception to turn off relationships between related partners in a partnership without limitation. Under this broad interpretation, the related partner exception could be improperly applied to turn off attribution of economic risk of loss between related partners even when none of the related partners directly bears the economic risk of loss for a partnership liability. The IRS and the Treasury Department believe that such an interpretation could have unintended results, including causing intercompany debts to be treated as nonrecourse because no partner alone owns 80 percent or more of the lending company and the partners are not treated as related to each other. The proposed regulations provide that the related partner exception only applies when a partner bears the economic risk of loss for a liability of the partnership because the partner is a lender under § 1.752–2(c)(1) or has a payment obligation for the partnership liability. The proposed regulations also clarify that an indirect interest in a partnership is an indirect interest through one or more partnerships.

*4. Request for Comments: Liquidating Distributions of Tiered Partnership Interests*

The IRS and the Treasury Department are considering the proper treatment of liabilities when an upper-tier partnership (transferor) bears the economic risk of loss for a lower-tier partnership liability and distributes, in a liquidating distribution, its interest in the lower-tier partnership to one of its partners (transferee) but the partner does not bear the economic risk of loss for the lower-tier partnership's liability. The IRS and the Treasury Department request comments on the timing of the liability reallocation relative to the transaction that causes the liability to change from recourse to nonrecourse.

**Proposed Applicability Date**

The regulations are proposed to apply to liabilities incurred or assumed by a partnership on or after the date these regulations are published as final regulations in the **Federal Register**, other than liabilities incurred or assumed by a partnership pursuant to a written binding contract in effect prior to that date.

**Special Analyses**

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these proposed regulations. Because these proposed regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

**Comments and Requests for a Public Hearing**

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the ''Addresses'' heading. The IRS and the Treasury Department request comments on all aspects of the proposed rules. All comments will be available at www.regulations.gov or upon request. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

**Drafting Information**

The principal authors of these proposed regulations are Caroline E. Hay and Deane M. Burke, Office of the Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

**List of Subjects in 26 CFR Part 1**

Income Taxes, Reporting and recordkeeping requirements.

**Proposed Amendments to the Regulations**

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

## PART 1—INCOME TAXES

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

**Authority:** 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.752–0 is amended by:

■ 1. Revising the entry for § 1.752–2(a) and adding new entries for § 1.752–2(a)(1) and (a)(2).

■ 2. Revising the entry for § 1.752–4(b)(2); removing the entries for § 1.752–4(b)(2)(i), (b)(2)(ii), and (b)(2)(iii); redesignating the entries for § 1.752–4(b)(2)(iv), (b)(2)(iv)(A) and (b)(2)(iv)(B) as § 1.752–4(b)(4), (b)(4)(i), and (b)(4)(ii), respectively; and removing the entry for § 1.752–4(b)(2)(iv)(C).

■ 3. Adding new entries for § 1.752–4(b)(3) and (b)(5).

The revisions and additions read as follows:

**§ 1.752–2 Partner's share of recourse liabilities.**

(a) Partner's share of recourse liabilities.

(1) In general.

(2) Overlapping economic risk of loss.

* * * * *

**§ 1.752–4 Special rules.**

* * * * *

(b) * * *

(2) Related partner exception.

(3) Person related to more than one partner.

(4) Special rule where entity structured to avoid related person status.

(i) In general.

(ii) Ownership interest.

(5) Examples.

* * * * *

■ **Par. 3.** Section 1.752–2 is amended by:

■ 1. Redesignating paragraph (a) as paragraph (a)(1) and adding a heading to paragraph (a).

■ 2. Adding paragraph (a)(2).

■ 3. Adding *Example 9 to* paragraph (f).

■ 4. Revising paragraphs (i)(1) and (2).

■ 5. Adding a sentence to the end of paragraph (l).

The additions and revisions read as follows:

**§ 1.752–2 Partner's share of recourse liabilities.**

(a) *Partner's share of recourse liabilities*— * * *

(2) *Overlapping economic risk of loss.* For purposes of determining a partner's share of a recourse partnership liability, the amount of the partnership liability is taken into account only once. If the aggregate amount of the economic risk of loss that all partners are determined to bear with respect to a partnership liability (or portion thereof) under paragraph (a)(1) of this section (without regard to this paragraph (a)(2)) exceeds the amount of such liability (or portion thereof), then the economic risk of loss borne by each partner with respect to such liability shall equal the amount determined by multiplying:

(i) The amount of such liability (or portion thereof) by

(ii) The fraction obtained by dividing the amount of the economic risk of loss that such partner is determined to bear with respect to that liability (or portion thereof) under paragraph (a)(1) of this section, by the sum of such amounts for all partners.

* * * * *

(f) * * *

*Example 9. Overlapping economic risk of loss.* (i) A and B are unrelated equal members of limited liability company, AB. AB is treated as a partnership for federal tax purposes. AB borrows $1,000 from Bank. A guarantees payment for the entire amount of AB's $1,000 liability and B guarantees payment for $500 of the liability. Both A and B waive their rights of contribution against each other.

(ii) Because the aggregate amount of A's and B's economic risk of loss under paragraph (a)(1) of this section ($1,500) exceeds the amount of AB's liability ($1,000), the economic risk of loss borne by A and B each is determined under paragraph (a)(2) of this section. Under paragraph (a)(2) of this section, A's economic risk of loss equals $1,000 multiplied by $1,000/$1,500 or $667, and B's economic risk of loss equals $1,000 multiplied by $500/$1,500 or $333.

* * * * *

(i) * * *

(1) The amount of liabilities with respect to which the upper-tier partnership has the payment obligation or is the lender as provided in paragraph (c) of this section; and

(2) The amount of any other liabilities with respect to which partners of the upper-tier partnership bear the economic risk of loss, provided the partner is not a partner in the lower-tier partnership.

* * * * *

(l) * * * Paragraphs (a)(2), (f) *Example 9,* and (i) of this section apply to liabilities incurred or assumed by a partnership on or after the date these proposed regulations are published as final regulations in the **Federal Register**, other than liabilities incurred or assumed by a partnership pursuant to a written binding contract in effect prior to that date.

■ **Par. 4.** Section 1.752–4 is amended by:

■ 1. Removing the word ''and'' at the end of paragraph (b)(1)(ii).

■ 2. Removing ''267(f)(1)(A).'' at the end of (b)(1)(iii) and adding in its place ''267(f)(1)(A); and''.

■ 3. Adding paragraph (b)(1)(iv).

■ 4. Revising paragraph (b)(2).

■ 5. Adding paragraphs (b)(3), (4), and (5).

■ The additions and revisions read as follows:

**§ 1.752–4 Special rules.**

* * * * *

(b) * * *

(1) * * *

(iv) Disregard section 267(c)(1) in determining whether stock of a corporation owned, directly or indirectly, by or for a partnership is considered as being owned proportionately by or for its partners if the corporation is a lender as provided in § 1.752–2(c) or has a payment obligation with respect to a liability of the partnership.

(2) *Related partner exception.* Notwithstanding paragraph (b)(1) of this section (which defines related person), if a person who owns (directly or indirectly through one or more partnerships) an interest in a partnership is a lender as provided in § 1.752–2(c) or has a payment obligation with respect to a partnership liability, or portion thereof, then other persons owning interests directly or indirectly (through one or more partnerships) in that partnership are not treated as related to that person for purposes of determining the economic risk of loss borne by each of them for such partnership liability, or portion thereof. This paragraph (b)(2) does not apply when determining a partner's interest under the de minimis rules in § 1.752–2(d) and (e).

(3) *Person related to more than one partner.* If a person that is a lender as provided in § 1.752–2(c) or that has a payment obligation with respect to a partnership liability, or portion thereof, is related to more than one partner under paragraph (b)(1) of this section, the partnership liability, or a portion thereof, is shared equally among such partners.

(4) *Special rule where entity structured to avoid related person status*—(i) *In general.* If—

(A) A partnership liability is owed to or guaranteed by another entity that is a partnership, an S corporation, a C corporation, or a trust;

(B) A partner or related person owns (directly or indirectly) a 20 percent or more ownership interest in the other entity; and

(C) A principal purpose of having the other entity act as a lender or guarantor of the liability was to avoid the determination that the partner that owns the interest bears the economic risk of loss for federal income tax purposes for all or part of the liability; then the partner is treated as holding the other entity's interest as a creditor or guarantor to the extent of the partner's or related person's ownership interest in the entity.

(ii) *Ownership interest.* For purposes of paragraph (b)(4)(i) of this section, a person's ownership interest in:

(A) A partnership equals the partner's highest percentage interest in any item of partnership loss or deduction for any taxable year;

(B) An S corporation equals the percentage of the outstanding stock in the S corporation owned by the shareholder;

(C) A C corporation equals the percentage of the fair market value of the issued and outstanding stock owned by the shareholder; and

(D) A trust equals the percentage of the actuarial interests owned by the beneficial owner of the trust.

(5) *Examples.* The following examples illustrate the principles of paragraph (b) of this section.

*Example 1. Person related to more than one partner.* A owns 100 percent of X, a corporation. X owns 100 percent of Y, a corporation. A and X are equal members of P, a limited liability company treated as a partnership for federal tax purposes. Y

guarantees payment of a liability of P of $1,000. A and X are not lenders as provided in § 1.752–2(c) and do not otherwise have a payment obligation with respect to the liability. Therefore, paragraph (b)(2) of this section does not apply for purposes of determining the economic risk of loss borne by A and X. Under paragraph (b)(1) of this section, Y is related to A and X. Therefore, under paragraph (b)(3) of this section, A and X each have a $500 share of the $1,000 liability.

*Example 2. Related partner exception.* A owns 100 percent of two corporations, X and Y. A and Y are members of P, a limited liability company treated as a partnership for federal tax purposes. P borrows $1,000 from Bank. A and X each guarantee payment of the $1,000 debt owed to Bank. A and Y are not treated as related to each other pursuant to paragraph (b)(2) of this section because A has the payment obligation with respect to the $1,000 debt pursuant to § 1.752–2(b). Y is therefore not treated as related to X. Because A is the only partner that bears the economic risk of loss for P's $1,000 liability, A's share of the liability is $1,000 under § 1.752–2(a)(1).

*Example 3. Related partner exception.* A owns 100 percent of two corporations, X and Y. X owns 79 percent of a corporation, Z, and Y owns the remaining 21 percent of Z. X and Y are members of P, a limited liability company treated as a partnership for federal tax purposes. P borrows $2,000 from Bank. Both X and Z guarantee payment of the $2,000 debt owed to Bank. X has a payment obligation with respect to P's $2,000 liability; therefore, paragraph (b)(2) of this section applies and X and Y are not treated as related for purposes of determining the economic risk of loss borne by each of them for P's $2,000 liability. Because X and Y are not treated as related, and neither owns an 80 percent or more interest in Z, neither X nor Y is treated as related to Z under paragraph (b)(1) of this section. Because X bears the economic risk of loss for P's $2,000 liability, X's share of the liability is $2,000 under § 1.752–2(a)(1).

*Example 4. Related partner exception and person related to more than one partner.* Same facts as in *Example 3,* but X guarantees payment of only $1,200 of the debt owed to Bank and Z guarantees payment of $2,000. Pursuant to paragraph (b)(2) of this section, X and Y are not treated as related to the extent of X's $1,200 guarantee. Because X bears the economic risk of loss for $1,200 of P's $2,000 liability, X's share of the liability is $1,200 under § 1.752–2(a)(1). In addition, because paragraph (b)(2) of this section does not apply with respect to the remaining portion of the liability that X did not guarantee, X and Y are treated as related for purposes of the remaining $800 of the liability pursuant to paragraph (b)(1) of this section. Therefore, Z is treated as related to X and Y under paragraph (b)(1) of this section. Pursuant to paragraph (b)(3) of this section, X and Y share the $800 equally. In sum, X's share of P's $2,000 liability is $1,600 ($1,200 under § 1.752–2(a)(1) and $400 under paragraph (b)(3) of this section) and Y's share of P's $2,000 liability is $400 under paragraph (b)(3) of this section.

*Example 5. Entity structured to avoid related person status.* A, B, and C form a general partnership, ABC. A, B, and C are equal partners, each contributing $1,000 to the partnership. A and B want to loan money to ABC and have the loan treated as nonrecourse for purposes of section 752. A and B form partnership AB to which each contributes $50,000. A and B share losses equally in partnership AB. Partnership AB loans partnership ABC $100,000 on a nonrecourse basis secured by the property ABC buys with the loan. Under these facts and circumstances, A and B bear the economic risk of loss with respect to the partnership liability equally based on their percentage interest in losses of partnership AB.

* * * * *

■ **Par. 5.** Section 1.752–5 is amended by adding a second sentence in paragraph (a) and removing the word ''However'' at the beginning of the third sentence and adding in its place ''In addition''.

The addition reads as follows:

**§ 1.752–5 Effective dates and transition rules.**

(a) * * * However, § 1.752–4(b)(1)(iv), (b)(2), (b)(3), and (b)(5) *Examples 1, 2, 3,* and *4* apply to any liability incurred or assumed by a partnership on or after the date that these regulations are published as final regulations in the **Federal Register**, other than a liability incurred or assumed by a partnership pursuant to a written binding contract in effect prior to that date. * * *

* * * * *

**Beth Tucker,**

*Deputy Commissioner for Operations Support.*

[FR Doc. 2013–29420 Filed 12–13–13; 8:45 am]

**BILLING CODE 4830–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 64

**[CG Docket Nos. 08–15 and 03–123; DA 13–2191]**

## Request for Comment on Petition Filed by AT&T Services, Inc., Regarding the Provision of Muting for Speech-to-Speech Telephone Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Petition of Reconditeration: request for comments.

**SUMMARY:** In this document, the Commission seeks comment on an AT&T Services, Inc. (AT&T) petition requesting clarification or, in the alternative, expedited waiver of the requirement contained in the Commission's *2013 STS Order* for providers to offer speech-to-speech (STS) users the option to have their voices muting during an STS call. The Commission seeks comment on AT&T's assertion that its current process for muting the voice of an STS user on incoming calls, when the user has not pre-selected muting in his or her profile, complies with this requirement. The Commission also seeks comment on AT&T's request for a twelve-month expedited waiver of the STS muting rules for incoming calls where the STS user has not pre-selected muting in his or her profile. AT&T maintains that a waiver will allow it to continue to use its current process for muting the voice of an STS user on incoming calls while it modifies its platform to create a process that will allow the CA to mute the STS user's voice at any time during a call without requiring a call-back.

**DATES:** Comments are due December 31, 2013 and reply comments are due January 10, 2014.

**ADDRESSES:** You may submit comments, identified by CG Docket Nos. 08–15 and 03–123, by any of the following methods:

*Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS), through the Commission's Web site *http://fjallfoss.fcc.gov/ecfs2/*. Filers should follow the instructions provided on the Web site for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket Nos. 08–15 and 03–123.

- *Paper filers:* Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.
- Commercial Mail sent by overnight mail (other than U.S. Postal Service

Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street SW., Washington, DC 20554.

In addition, parties must serve one copy of each pleading with the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, or via email to *fcc@bcpiweb.com*. For detailed instructions for submitting comments and additional information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Caitlin Vogus, Consumer and Governmental Affairs Bureau, Disability Rights Office, (202) 418–1264, email: *Caitlin.Vogus@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Public Notice, document DA 13–2191, released on November 14, 2013. The full text of document DA 13–2191, and any subsequently filed documents in this matter will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. It also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone: (800) 378–3160, fax: (202) 488–5563, or Internet: *www.bcpiweb.com*. Document DA 13–2191 can also be downloaded in Word or Portable Document Format (PDF) at *http://www.fcc.gov/encyclopedia/telecommunications-relay-services-trs*. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

## Synopsis

1. On September 26, 2013, AT&T filed a petition requesting clarification, or, in the alternative, expedited waiver of the requirement contained in the *2013 STS Order,* published at 78 FR 49693, August 15, 2013, and codified at 47 CFR 64.604(a)(1)(viii) of the Commission's rules, for providers to offer STS users the option to have their voices muted during an STS call. AT&T Services, Inc., *Request for Clarification, or in the Alternative, Petition for Expedited Waiver,* CG Docket Nos. 08–15 and 03–123.

2. Specifically, AT&T claims that it can meet this obligation for incoming calls to an STS user who has not pre-selected muting in his or her profile by ''mut[ing] the user's voice only if the STS user drops off the call and the CA adds the user back to the call.'' AT&T seeks clarification that this process complies with 47 CFR 64.604(a)(1)(viii) of the Commission's rules. In the alternative, AT&T seeks a twelve-month expedited waiver of the STS muting rules for calls where the STS user has not pre-selected muting in his or her profile.

AT&T claims that the waiver will allow it to continue offering STS users the call-back option while it modifies its platform to add a ''hold'' function during STS calls, to allow the CA to mute an STS user's voice at any time during a call without requiring a call-back.

Federal Communications Commission.

**Karen Peltz Strauss,**

*Deputy Chief, Consumer and Governmental Affairs Bureau.*

[FR Doc. 2013–28829 Filed 12–13–13; 8:45 am]

**BILLING CODE 6712–01–P**

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

**[CG Docket Nos. 13–24 and 03–123; DA 13–2190]**

### Request for Comment on Petition Filed by Sprint Corporation for Reconsideration of Certain Rules Adopted for Internet Protocol Captioned Telephone Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Petition of Reconditeration: request for comments.

**SUMMARY:** In this document, the Commission seeks comment on a Sprint Corporation (Sprint) petition requesting reconsideration of certain rules adopted for Internet Protocol Captioned Telephone Service (IP CTS) in the *IP CTS Reform Order*. The Commission seeks comment on Sprint's request to reconsider the rule prohibiting all providers from receiving compensation from the Interstate Telecommunications Relay Service Fund (TRS Fund) for minutes of use generated by consumers using IP CTS software and applications that consumers receive at no charge or purchase for less than $75. Second, the Commission seeks comment on Sprint's request to modify the registration and certification requirements to allow access to IP CTS phones in public places. Third, the Commission seeks comment on Sprint's request to allow using a slightly different wording from the Commission's required wording for labels on IP CTS equipment.

**DATES:** Comments are due December 31, 2013 and reply comments are due January 10, 2014.

**ADDRESSES:** You may submit comments, identified by CG Docket Nos. 13–24 and 03–123, by any of the following methods:

*Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS), through the Commission's Web site *http://fjallfoss.fcc.gov/ecfs2/*. Filers should follow the instructions provided on the Web site for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket Nos. 13–24 and 03–123.

• *Paper filers:* Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

• Commercial Mail sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street SW., Washington, DC 20554.

In addition, parties must serve one copy of each pleading with the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, or via email to *fcc@bcpiweb.com*. For detailed instructions for submitting comments

and additional information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Gregory Hlibok, Consumer and Governmental Affairs Bureau, Disability Rights Office, (202) 559–5158, email: *Gregory.Hlibok@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Public Notice, document DA 13–2190, released on November 14, 2013. The full text of document DA 13–2190, and any subsequently filed documents in this matter will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. It also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone: (800) 378–3160, fax: (202) 488–5563, or Internet: *www.bcpiweb.com*. Document DA 13–2190 can also be downloaded in Word or Portable Document Format (PDF) at *http://www.fcc.gov/encyclopedia/telecommunications-relay-services-trs*. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

## Synopsis

1. On September 30, 2013, Sprint filed a petition (*Sprint Reconsideration Petition*) requesting reconsideration of certain rules adopted for IP CTS in the *IP CTS Reform Order,* published at 78 FR 53684, August 30, 2013, and codified at 47 CFR 64.604(c)(9), (11)(i) and (iii) of the Commission's rules. Sprint Corporation, *Petition for Reconsideration of Sprint Corporation,* CG Docket Nos. 13–24 and 03–123 (filed September 30, 2013) (*Sprint Reconsideration Petition*). First, Sprint asks that the Commission reconsider the rule prohibiting all providers from receiving compensation from the TRS Fund for minutes of use generated by consumers using IP CTS software and applications that consumers receive at no charge or purchase for less than $75 on or after the effective date of the rule. Second, Sprint asks that the Commission modify its registration and certification requirements to allow access to IP CTS phones in public places. Third, Sprint seeks authorization to utilize wording that differs slightly from the Commission's required wording for labels warning consumers that only registered users of IP CTS may use IP CTS with captions turned on. Such labels must be adhered to IP CTS devices and displayed on the device screens of software-based IP CTS applications.

Federal Communications Commission.

**Karen Peltz Strauss,**

*Deputy Chief, Consumer and Governmental Affairs Bureau.*

[FR Doc. 2013–28828 Filed 12–13–13; 8:45 am]

**BILLING CODE 6712–01–P**

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

## 49 CFR Chapter X

**[Docket No. EP 665 (Sub-No. 1)]**

## Rail Transportation of Grain, Rate Regulation Review

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Request for Comments.

**SUMMARY:** The Surface Transportation Board invites public comment on how to ensure the Board's rate complaint procedures are accessible to grain shippers and provide effective protection against unreasonable freight rail transportation rates.

**DATES:** Comments are due by March 12, 2014. Replies are due by May 12, 2014.

**ADDRESSES:** Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site, at *http://www.stb.dot.gov*. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 665 (Sub-No. 1), 395 E Street SW., Washington, DC 20423–0001. Copies of written comments will be available for viewing and self-copying at the Board's Public Docket Room, Room 131, and will be posted to the Board's Web site.

**FOR FURTHER INFORMATION CONTACT:** Nathaniel Bawcombe at (202) 245–0376. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

**SUPPLEMENTARY INFORMATION:** On November 2, 2006, the Board held a hearing in *Rail Transportation of Grain,* Docket No. EP 665, as a forum for interested persons to provide views and information about grain transportation markets. The hearing was prompted by concerns regarding rates and service issues related to the movement of grain raised by Members of Congress, grain producers, and other stakeholders. When it closed that proceeding in January 2008, the Board reasoned that guidelines for simplified rate procedures had recently been adopted, providing a new avenue for rate relief for grain shippers. *Rail Transp. of Grain,* EP 665, slip op. at 5 (STB served Jan. 14, 2008).[1] The Board also noted that it would continue to monitor the relationship between carriers and grain interests, and that if future regulatory action were warranted, it would open a new proceeding. *Rail Transp. of Grain,* EP 665, slip op. at 5.

The Board recently concluded a proceeding to reform freight rail rate regulations generally. *See Rate Regulation Reforms,* EP 715 (STB served July 18, 2013), *appeal docketed, No. 13–1230* (D.C. Cir. July 29, 2013). In that proceeding, parties representing grain shippers' interests argued that the proposed changes did not provide meaningful relief to grain shippers.[2] One party also noted that, despite increases in rates, no grain shipper has sought rate relief at the Board or the Interstate Commerce Commission since 1981, and that the Board should consider providing more substantial modifications to its rate process to provide a mechanism for grain shippers to challenge rates.[3] On the other hand, one carrier argued that grain rates are not unreasonably high and that the Board's rate methodology has not been shown to be flawed with respect to that traffic.[4]

We believe it is appropriate to consider what regulatory changes could be implemented to ensure that the Board's rate case procedures are fully accessible to grain shippers and provide effective relief from excessive freight

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[1] Referring to *Simplified Standards for Rail Rate Cases,* EP 646 (Sub-No. 1) (STB served Sept. 5, 2007), *aff'd sub nom. CSX Transp., Inc.* v. *STB,* 568 F.3d 236 (D.C. Cir.), *vacated in part on reh'g,* 584 F.3d 1076 (D.C. Cir. 2009).

[2] National Grain and Feed Association (NGFA) Opening 4–5, *Rate Regulation Reforms,* EP 715; Alliance for Rail Competition, Montana Wheat & Barley Committee, Colorado Wheat Administrative Committee, Idaho Barley Commission, Idaho Wheat Commission, Montana Farmers Union, Nebraska Wheat Board, Oklahoma Wheat Commission, South Dakota Wheat Commission, Texas Wheat Producers Board, and Washington Grain Commission Opening 6–12, *Rate Regulation Reforms,* EP 715.

[3] NGFA Opening 3–4, *Rate Regulation Reforms,* EP 715.

[4] BNSF Ry. Co. Reply 10, *Rate Regulation Reforms,* EP 715.

rail rates, as appropriate. The Board is seeking input from interested parties on grain shippers' ability to effectively seek relief for unreasonable rates, including proposals for modifying existing procedures, or new alternative rate relief methodologies, should they be necessary.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

*It is ordered:*

1. A proceeding is instituted. Notice of this decision will be published in the **FEDERAL REGISTER**.

2. Comments are due by March 12, 2014. Replies are due by May 12, 2014.

3. This decision is effective on the day of service.

Decided: December 9, 2013.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2013–29806 Filed 12–13–13; 8:45 am]

**BILLING CODE 4915–01–P**

# Notices

Federal Register

Vol. 78, No. 241

Monday, December 16, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Black Hills National Forest Advisory Board

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Black Hills National Forest Advisory Board (Board) will meet in Rapid City, South Dakota. The Board is established consistent with the Federal Advisory Committee Act of 1972 (5 U.S.C. App. II), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et.seq.), the National Forest Management Act of 1976 (16 U.S.C. 1612), and the Federal Public Lands Recreation Enhancement Act (Pub. L. 108–447). Additional information concerning the Board can be found by visiting the Board's Web site at: *http://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees.*

**DATES:** The meeting will be held Wednesday, January 8, 2014, at 1:00 p.m.

**ADDRESSES:** The meeting will be held at the Mystic Ranger District, 8221 South Highway 16, Rapid City, South Dakota. Written comments may be submitted as described under Supplementary Information. All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the Black Hills National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Scott Jacobson, Committee Coordinator, by phone at 605–673–9216, or by email at *sjjacobson@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:** The purpose of the meeting is to provide:

(1) An update on Cave Management, White Nose Syndrome, and Long Eared Bats;

(2) information regarding the Mountain Pine Beetle Response Monitoring Report;

(3) an update from the Motorized Travel Working Group; and

(4) a briefing on the Recreational Facility Plan.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by December 31, 2013 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and time requests for oral comments must be sent to Scott Jacobson, Black Hills National Forest Supervisor's Office, 1019 North Fifth Street, Custer, South Dakota 57730; by email to *sjjacobson@fs.fed.us,* or via facsimile to 605–673–9208. A summary of the meeting will be posted on the Web site listed above within 45 days after the meeting.

*Meeting Accommodations:* If you are a person requiring reasonable accommodation, please make requests 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 in the section titled For Further Information Contact. All reasonable accommodation requests are managed on a case by case basis.

Dated: December 6, 2013.

**Dennis L. Jaeger,**

*Deputy Forest Supervisor.*

[FR Doc. 2013–29795 Filed 12–13–13; 8:45 am]

BILLING CODE 3410–11–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Newspapers Used for Publication of Legal Notices for Pre-Decisional Administrative Review Processes and Decisions Subject to Notice, Comment and Appeal Procedures

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice provides the list of newspapers that Responsible Officials in the Pacific Northwest Region will use to publish legal notices for public comment and decisions subject to appeal under 36 CFR part 215 and predecisional objection on decisions under 36 CFR part 218 and 36 CFR part 219. The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notices, thereby allowing the public to receive constructive notice of a decision, to provide clear evidence of timely notice, and to achieve consistency in administering appeal and objection processes.

**DATES:** Publication of legal notices in the listed newspapers begins on November 22, 2013. This list of newspapers will remain in effect until it is superceded by a new list, published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Jill A. Dufour, Regional Environmental Coordinator, Pacific Northwest Region, 1220 SW. Third Avenue, (P.O. Box 3623), Portland, Oregon 97204.

**SUPPLEMENTARY INFORMATION:** The newspapers to be used in the Pacific Northwest Region are as follows:

**Pacific Northwest Regional Office**

Regional Forester decisions on Oregon National Forests
*The Oregonian,* Portland, Oregon
Regional Forester decisions on Washington National Forests
*The Seattle Times,* Seattle, Washington
Columbia River Gorge National Scenic Area Manager decisions
*Hood River News,* Hood River, Oregon

*Oregon National Forests*

Deschutes National Forest

Forest Supervisor decisions
Bend/Fort Rock District Ranger decisions

Crescent District Ranger decisions
Redmond Air Center Manager decisions
Sisters District Ranger decisions
*The Bulletin,* Bend, Oregon

Fremont-Winema National Forests

Forest Supervisor decisions
Bly District Ranger decisions
Lakeview District Ranger decisions
Paisley District Ranger decisions
Silver Lake District Ranger decisions
Chemult District Ranger decisions
Chiloquin District Ranger decisions
Klamath District Ranger decisions
*Herald and News,* Klamath Falls, Oregon

Malheur National Forest

Forest Supervisor decisions
Blue Mountain District Ranger decisions
Prairie City District Ranger decisions
*Blue Mountain Eagle,* John Day, Oregon
Emigrant Creek District Ranger decisions
Burns Times Herald, Burns, Oregon

Mt. Hood National Forest

Forest Supervisor decisions
Clackamas River District Ranger decisions
Zigzag District Ranger decisions
Hood River District Ranger decisions
Barlow District Ranger decisions
*The Oregonian,* Portland, Oregon

Ochoco National Forest

Forest Supervisor decisions
Crooked River National Grassland Area Manager decisions
Lookout Mountain District Ranger decisions
Paulina District Ranger decisions
*The Bulletin,* Bend, Oregon

Rogue River-Siskiyou National Forests

Forest Supervisor decisions
High Cascades District Ranger decisions
J. Herbert Stone Nursery Manager decisions
Siskiyou Mountains District Ranger decisions
*Mail Tribune,* Medford, Oregon
Wild Rivers District Ranger decisions
*Grants Pass Daily Courier,* Grants Pass, Oregon
Gold Beach District Ranger decisions
*Curry County Reporter,* Gold Beach, Oregon
Powers District Ranger decisions
*The World,* Coos Bay, Oregon

Siuslaw National Forest

Forest Supervisor decisions
*Corvallis Gazette-Times,* Corvallis, Oregon
Central Coast Ranger District—Oregon Dunes National Recreation Area District Ranger decisions
*The Register-Guard,* Eugene, Oregon
Hebo District Ranger decisions
*Tillamook Headlight Herald,* Tillamook, Oregon

Umatilla National Forest

Forest Supervisor decisions
North Fork John Day District Ranger decisions
Heppner District Ranger decisions
Pomeroy District Ranger decisions
Walla Walla District Ranger decisions
*East Oregonian,* Pendleton, Oregon

Umpqua National Forest

Forest Supervisor decisions
Cottage Grove District Ranger decisions
Diamond Lake District Ranger decisions
North Umpqua District Ranger decisions
Tiller District Ranger decisions
Dorena Genetic Resource Center Manager decisions
*The News-Review,* Roseburg, Oregon

Wallowa-Whitman National Forest

Forest Supervisor decisions
Whitman District Ranger decisions
*Baker City Herald,* Baker City, Oregon
La Grande District Ranger decisions
*The Observer,* La Grande, Oregon
Hells Canyon National Recreation Area Manager decisions
Eagle Cap District Ranger decisions
Wallowa Valley District Ranger decisions
*Wallowa County Chieftain,* Enterprise, Oregon

Willamette National Forest

Forest Supervisor decisions
Middle Fork District Ranger decisions
McKenzie River District Ranger decisions
Sweet Home District Ranger decisions
*The Register Guard,* Eugene, Oregon
Detroit District Ranger decisions
*Statesman Journal,* Salem, Oregon

*Washington National Forests*

Colville National Forest

Forest Supervisor decisions
Three Rivers District Ranger decisions
*Statesman-Examiner,* Colville, Washington
Sullivan Lake District Ranger decisions
Newport District Ranger decisions
*The Newport Miner,* Newport, Washington
Republic District Ranger decisions
*Ferry County View,* Republic, Washington

Gifford Pinchot National Forest

Forest Supervisor decisions
Mount Adams District Ranger decisions
Mount St. Helens National Volcanic Monument Manager decisions
*The Columbian,* Vancouver, Washington
Cowlitz Valley District Ranger decisions
*The Chronicle,* Chehalis, Washington

Mt. Baker-Snoqualmie National Forest

Forest Supervisor decisions
Darrington District Ranger decisions
Skykomish District Ranger decisions
*Everett Herald,* Everett, Washington
Mt. Baker District Ranger decisions
*Skagit Valley Herald,* Mt. Vernon, Washington
Snoqualmie District Ranger decisions (north half of district)
*Snoqualmie Valley Record,* North Bend, Washington
Snoqualmie District Ranger decisions (south half of district)
*Enumclaw Courier Herald,* Enumclaw, Washington

Okanogan-Wenatchee National Forests

Forest Supervisor decisions
Chelan District Ranger decisions
Entiat District Ranger decisions
Methow Valley District Ranger decisions
Tonasket District Ranger decisions
Wenatchee River District Ranger decisions
*The Wenatchee World,* Wenatchee, Washington
Naches District Ranger decisions
*Yakima Herald,* Yakima, Washington
Cle Elum District Ranger decisions
*Ellensburg Daily Record,* Ellensburg, Washington

Olympic National Forest

Forest Supervisor decisions
*The Olympian,* Olympia, Washington
Hood Canal District Ranger decisions
*Peninsula Daily News,* Port Angeles, Washington
Pacific District Ranger decisions (south portion of district)
*The Daily World,* Aberdeen, Washington
Pacific District Ranger decisions (north portion of district)
*Peninsula Daily News,* Port Angeles, Washington

Dated: November 21, 2013.

**Kent P. Connaughton,**

*Regional Forester.*

[FR Doc. 2013–28996 Filed 12–12–13; 11:15 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, January 13–15, 2014 at the times and location listed below.

**DATES:** The schedule of events is as follows:

**Monday, January 13, 2014**

10:15 a.m.–Noon Ad Hoc Committee Meetings: Closed to Public.
1:30–2:30 p.m. Information Meeting on Medical Diagnostic Equipment.
2:30–5:00 Ad Hoc Committee Meetings: Closed to Public.

**Tuesday, January 14, 2014**

9:30–11:00 a.m. Ad Hoc Committee on Frontier Issues.
11:00–Noon Planning and Evaluation Committee.
1:30–2:00 p.m. Technical Programs Committee.
2:00–3:00 Budget Committee.
3:00–4:30 Ad Hoc Committee: Closed to Public.

**Wednesday, January 15, 2014**

9:30 a.m.–Noon 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 morning of Wednesday, January 15, 2014 the Access Board will consider the following agenda items:

- Approval of the draft September 11, 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. 2013–29853 Filed 12–13–13; 8:45 am]

BILLING CODE 8150–01–P

## BROADCASTING BOARD OF GOVERNORS

### Sunshine Act Meeting Notice

**DATE AND TIME:** Wednesday, December 18, 2013, 8:30 a.m.–12:30 p.m. EST.

**PLACE:** Cohen Building, Room 3321, 330 Independence Ave. SW., Washington, DC 20237.

**SUBJECT:** Notice of Meeting of the Broadcasting Board of Governors.

**SUMMARY:** The Broadcasting Board of Governors (BBG) will be meeting at the time and location listed above. The Board will vote on a consent agenda consisting of the minutes of the October 23, 2013 meeting and the full set of amended By-Laws reflecting changes previously adopted by the Board and proposed technical amendments. The BBG will discuss and vote on an interim management structure for the International Broadcasting Bureau. Finally, the BBG will receive a presentation providing an overview of the Voice of America and convene a discussion panel on the transition of international media organizations in the digital age.

This meeting will also be available for public observation via streamed webcast, both live and on-demand, on the BBG's public Web site at *www.bbg.gov.* Information regarding this meeting, including any updates or adjustments to its starting time, can also be found on the Agency's public Web site.

The public may also attend this meeting in person, unless the partial government shutdown persists, at the address listed above as seating capacity permits. Member of the public seeking to attend the meeting in person must register at *https://bbgboard meetingdecember2013.eventbrite.com* by 12:00 p.m. (EST) on December 17. For more information, please contact BBG Public Affairs at (202) 203–4400 or by email at *pubaff@bbg.gov.*

**CONTACT PERSON FOR MORE INFORMATION:** Persons interested in obtaining more information should contact Paul Kollmer-Dorsey at (202) 203–4545.

**Paul Kollmer-Dorsey,**

*General Counsel.*

[FR Doc. 2013–29909 Filed 12–12–13; 11:15 am]

BILLING CODE 8230–01–P

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meetings of the New York Advisory Committee

**DATES AND TIMES:**
Friday, January 10, 2014, 12:00 p.m. [EST].
Friday, February 14, 2014, 12:00 p.m. [EST].
Friday, March 14, 2014, 12:00 p.m. [EST].

**PLACE:** Via Teleconference. Public Dial-in 1–877–446–3914; Listen Line Code: 7017771.

**TDD:** Dial Federal Relay Service 1–800–977–8339 and give the operator the Public Dial-in number and Listen Line Code.

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA), that planning meetings of the New York Advisory Committee to the Commission will convene via conference call on the above-referenced dates and times. The purpose of the meetings is project planning to discuss the scope of the Advisory Committee's project on disparate treatment of youth in the New York correctional system.

The meetings will be conducted via conference call. In order to reserve a sufficient number of lines, members of the public, including persons with hearing impairments, who wish to listen to the conference call, are asked to either call (202–376–7533) or email the Eastern Regional Office, ERO, (*ero@usccr.gov*) ten days in advance of each scheduled meeting. Persons with hearing impairments would first dial the Federal Relay Service *TDD:* 1–800–977–8339 and give the operator the Eastern Regional Office number (202–376–7533).

Members of the public who call-in can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charges for calls initiated over land-line connections to the toll-free telephone number.

Members of the public are entitled to submit written comments. The

comments must be received in ERO by 30 days after each meeting date. Comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at 202–376–7533.

Records generated from this meeting may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

The meetings will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated: December 11, 2013.

**David Mussatt,**

*Acting Chief, Regional Programs Coordination Unit.*

[FR Doc. 2013–29815 Filed 12–13–13; 8:45 am]

**BILLING CODE 6335–01–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

### Donald V. Bernardo, a/k/a Don Bernarndo, 701 Fredericksburg Road, Mathews, NC 28105; Order Denying Export Privileges

On November 16, 2011, in the U.S. District Court, Southern District of Florida, Donald V. Bernardo, a/k/a Don Bernardo (''Bernardo''), was convicted of Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2006 & Supp. IV 2010)) (''AECA''). Specifically, Bernardo was convicted of knowingly and willfully engaging in the business of brokering activities involving Venezuela in negotiating and arranging contracts, purchases, sales, and transfers of defense articles, that is, C–130 Hercules military transport aircraft, in return for a fee, commission and other consideration, without first registering with the U.S. Department of State. Bernardo was sentenced to 12 months of imprisonment and two years of supervised release, and fined a $100 assessment. Bernardo was released from prison on February 28, 2013. Bernardo is also listed on the U.S. Department of State Debarred List.

Section 766.25 of the Export Administration Regulations (''EAR'' or ''Regulations'')[1] provides, in pertinent part, that ''[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the Export Administration Act (''EAA''), the EAR, or any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778).'' 15 CFR 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. app. § 2410(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. app. § 2410(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security (''BIS'') licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Bernardo's conviction for violating the AECA, and have provided notice and an opportunity for Bernardo to make a written submission to BIS, as provided in Section 766.25 of the Regulations. I have not received a submission from Bernardo.

Based upon my review and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Bernardo's export privileges under the Regulations for a period of five years from the date of Bernardo's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Bernardo had an interest at the time of his conviction.

Accordingly, it is hereby *ordered*

I. Until November 16, 2016, Donald V. Bernardo, a/k/a Don Bernardo, with a last known address at: 701 Fredericksburg Road, Mathews, NC 28105, and when acting for or on behalf of Bernardo, his representatives, assigns, agents or employees (the ''Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2013). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. app. §§ 2401–2420 (2000)) (''EAA''). Since August 21, 2001, the EAA has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 8, 2013 (78 FR 49107 (August 12, 2013)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Bernardo by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order if necessary to prevent evasion of the Order.

IV. This Order is effective immediately and shall remain in effect until November 16, 2016.

V. In accordance with Part 756 of the Regulations, Bernardo may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VI. A copy of this Order shall be delivered to the Bernardo. This Order shall be published in the **Federal Register**.

Dated: December 6, 2013.

**Eileen M. Albanese,**

*Acting Director, Office of Exporter Services.*

[FR Doc. 2013–29788 Filed 12–13–13; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–588–804, A–412–801]**

### Ball Bearings and Parts Thereof From Japan and the United Kingdom: Notice of Reinstatement of Antidumping Duty Orders, Resumption of Administrative Reviews, and Advance Notification of Sunset Reviews

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On July 15, 2011, pursuant to a decision of the Court of International Trade (CIT) that affirmed the International Trade Commission's (ITC's) negative injury determinations on remand in the second sunset review of the antidumping duty orders on bearings from Japan and the United Kingdom, the Department of Commerce (the Department) revoked the *Orders.*[1] On May 16, 2013, the United States Court of Appeals for the Federal Circuit (Federal Circuit) reversed the CIT's decision and ordered the CIT to reinstate the ITC's affirmative material injury determinations.[2] Subsequently, on November 18, 2013, the CIT issued final judgment reinstating the ITC's affirmative injury determinations.[3] Therefore, the Department is now reinstating the *Orders.* Additionally, the Department is resuming the administrative reviews of these orders for the periods May 1, 2009, through April 30, 2010, and May 1, 2010, through April 30, 2011.

**DATES:** *Effective Date:* November 29, 2013.

**FOR FURTHER INFORMATION CONTACT:** Thomas Schauer or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0410 or (202) 482–1690, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On May 15, 1989, the Department published the *Orders* in the **Federal Register**.[4] Pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), the Department initiated and the ITC instituted the second sunset reviews of the *Orders* on June 1, 2005.[5] As a result of its sunset reviews, the Department found that revocation of the *Orders* would be likely to lead to the continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail were the *Orders* to be revoked.[6]

On August 31, 2006, the ITC published its determination that, pursuant to section 751(c) of the Act, revocation of the *Orders,* among others, would be likely to lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[7] NSK Corporation, NSK Ltd., and NSK Europe Ltd. and JTEKT Corporation and Koyo Corporation of U.S.A. filed appeals of this determination with the CIT.

In its third and fourth remand determinations,[8] the ITC found that revocation of the *Orders* would not be likely to lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. On April 20, 2011, the CIT affirmed the ITC's fourth remand and entered judgment in the case.[9] The CIT stayed the effect of its judgment temporarily but, lifted the stay on May 13, 2011.[10] On May 17, 2011, the Federal Circuit issued a temporary stay of the judgment.[11]

On June 17, 2011, in response to the CIT's entry of judgment in *NSK,* the Department published a notice of a court decision not in harmony with a Department determination, thereby suspending liquidation of all entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after July 11, 2005, that remained unliquidated, and not deemed liquidated, as of April 30, 2011.[12]

On July 6, 2011, the Federal Circuit's stay lifted.[13] Therefore, pursuant to the

[1] *See Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, and Spherical Plain Bearings, and Parts Thereof From Japan,* 54 FR 20904 (May 15, 1989), and *Antidumping Duty Orders and Amendments to the Final Determinations of Sales at Less Than Fair Value: Ball Bearings, and Cylindrical Roller Bearings and Parts Thereof From the United Kingdom,* 54 FR 20910 (May 15, 1989) (collectively, *Orders*).

[2] *NSK Corp* v. *United States International Trade Commission,* 716 F.3d 1352 (Fed. Cir. 2013) (*NSK May 2013*).

[3] *NSK Corp.* v. *United States International Trade Commission,* Court No. 06–334, Slip Op. 2013–143 (CIT November 18, 2013) (*NSK November 2013*).

[4] *See Orders.*

[5] *See Initiation of Five-year (''Sunset'') Reviews,* 70 FR 31423 (June 1, 2005), and *Certain Bearings From China, France, Germany, Italy, Japan, Singapore, and the United Kingdom,* 70 FR 31531 (June 1, 2005); *see also* 19 CFR 351.218.

[6] *See Antifriction Bearings and Parts Thereof from France, Germany, Italy, and the United Kingdom; Five-Year Sunset Reviews of Antidumping Duty Orders; Final Results,* 70 FR 58183 (October 5, 2005), *Ball Bearings and Parts Thereof From Japan and Singapore; Five-year Sunset Reviews of Antidumping Duty Orders; Final Results,* 71 FR 26321 (May 4, 2006), and *Ball Bearings and Parts Thereof From Japan; Five-Year Sunset Review of Antidumping Duty Order: Amended Final Results,* 71 FR 30378 (May 26, 2006).

[7] *See Certain Bearings From China, France, Germany, Italy, Japan, Singapore, and the United Kingdom,* 71 FR 51850 (August 31, 2006), and ITC Publication 3876 (August 2006) entitled *Certain Bearings from China, France, Germany, Italy, Japan, Singapore, and the United Kingdom,* Investigation Nos. 731–TA–344, 391–A, 392–A and C, 393–A, 394–A, 396, and 399–A (*Second Review*).

[8] *See* ITC Publication 4194, *Ball Bearings and Parts Thereof From Japan and the United Kingdom, Investigation Nos. 731–TA–394A and 399A (Second Review) (Third Remand)* (August 2010), and ITC Publication 4223, *Certain Ball Bearings and Parts Thereof from Japan and the United Kingdom, Investigation Nos. 394–A and 399–A (Second Review) (Fourth Remand)* (March 2011).

[9] *See NSK* v. *United States,* 774 F. Supp. 2d 1296 (CIT 2011) (*NSK*).

[10] *See NSK Corp.* v. *United States,* 774 F. Supp. 2d 1300 (CIT 2011).

[11] *See NSK Corp.* v. *United States,* 422 Fed. Appx. 885 (Fed. Cir. 2011).

[12] *See Ball Bearings and Parts Thereof From Japan and the United Kingdom: Notice of Court Decision Not in Harmony with Continuation of Antidumping Duty Orders,* 76 FR 35401 (June 17, 2011) (*Timken Notice*).

[13] *See NSK* v. *United States,* 431 Fed. Appx. 910 (Fed. Cir. 2011).

CIT's judgment in *NSK,* the Department revoked the *Orders.*[14] The CIT's *NSK* decision was appealed to the Federal Circuit.

On May 16, 2013, the Federal Circuit issued a decision reversing and vacating the CIT's decision in *NSK,* ordered the CIT to vacate the ITC's negative determination in the *Third Remand* and *Fourth Remand,* and ordered the CIT to reinstate the ITC's affirmative determination in ITC Publication 4131, *Ball Bearings and Parts Thereof From Japan and the United Kingdom, Investigation Nos. 731–TA–394A and 399A (Second Review) (Second Remand)* (January 2010).[15] On November 18, 2013, the CIT reinstated the ITC's affirmative determination.[16]

Therefore, pursuant to the CIT's November 18, 2013, order reinstating the ITC's affirmative material injury determination, the Department is reinstating the *Orders.*

**Scope of the Orders**

The products covered by the *Orders* are ball bearings and parts thereof. These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: Antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 3926.90.45, 4016.93.10, 4016.93.50, 6909.19.50.10, 8414.90.41.75, 8431.20.00, 8431.39.00.10, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.35, 8482.99.25.80, 8482.99.65.95, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.93.30, 8708.93.60.00, 8708.99.06, 8708.99.31.00, 8708.99.40.00, 8708.99.49.60, 8708.99.58, 8708.99.80.15, 8708.99.80.80, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, 8803.90.90, 8708.30.50.90, 8708.40.75.70, 8708.40.75.80, 8708.50.79.00, 8708.50.89.00, 8708.50.91.50, 8708.50.99.00, 8708.70.60.60, 8708.80.65.90, 8708.93.75.00, 8708.94.75, 8708.95.20.00, 8708.99.55.00, 8708.99.68, and 8708.99.81.80.

Although the HTSUS item numbers above are provided for convenience and customs purposes, the written descriptions of the scope of the *Orders* remain dispositive.

The size or precision grade of a bearing does not influence whether the bearing is covered by one of the *Orders.* The *Orders* cover all the subject bearings and parts thereof (inner race, outer race, cage, rollers, balls, seals, shields, *etc.*) outlined above with certain limitations. With regard to finished parts, all such parts are included in the scope of the *Orders.* For unfinished parts, such parts are included if they have been heat-treated or if heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by the *Orders* are those that will be subject to heat treatment after importation. The ultimate application of a bearing also does not influence whether the bearing is covered by the *Orders.* Bearings designed for highly specialized applications are not excluded. Any of the subject bearings, regardless of whether they may ultimately be utilized in aircraft, automobiles, or other equipment, are within the scope of the *Orders.*

**Reinstatement of Antidumping Duty Orders**

Pursuant to the CIT's November 18, 2013, order reinstating the ITC's determination that the revocation of the *Orders* would be likely to lead to the continuation or recurrence of material injury within a reasonably foreseeable time, the Department is reinstating the *Orders* consistent with section 751(d) of the Act. As a result of this reinstatement, the Department will resume discontinued administrative reviews of the *Orders* and intends to initiate new administrative reviews of the *Orders,* if requested.

Furthermore, the Department will instruct U.S. Customs and Border Protection (CBP) to resume the collection of cash deposits for estimated antidumping duties at the rates in effect on July 15, 2011, the date on which the collection of cash deposits was discontinued.[17]

**Resumption of Administrative Reviews**

As a result of the *Revocation Notice,* the Department discontinued all unfinished administrative reviews of the *Orders.*[18] The unfinished administrative reviews covered the periods May 1, 2009, through April 30, 2010, and May 1, 2010, through April 30, 2011.

We are hereby resuming the administrative reviews covering the period May 1, 2009, through April 30, 2010. At the time the *Orders* were revoked, we had issued the preliminary results of review for the administrative reviews covering the period May 1, 2009, through April 30, 2010.[19] Section 751(a)(3)(A) of the Act instructs that ''The administering authority shall make . . . a final determination under paragraph (1) within 120 days after the date on which the preliminary determination is published.'' Accordingly, we intend to issue our final results of reviews for the period May 1, 2009, through April 30, 2010, no later than 120 days after publication of this notice.

We are also hereby resuming the administrative reviews covering the period May 1, 2010 through April 30, 2011. At the time the *Orders* were revoked, we had just initiated the administrative reviews covering the period May 1, 2010, through April 30, 2011.[20] Section 751(a)(3)(A) of the Act instructs that ''The administering authority shall make a preliminary determination under subparagraph (A), (B), or (C) of paragraph (1) within 245 days after the last day of the month in which occurs the anniversary of the date of publication of the order, finding, or suspension agreement for which the review under paragraph (1) is requested.'' Accordingly, we intend to issue our preliminary results of reviews for the period May 1, 2010, through April 30, 2011, no later than 245 days after publication of this notice. The deadline for withdrawing requests for review covering the period May 1, 2010 through April 30, 2011 will be 90 days

[14] *See Ball Bearings and Parts Thereof From Japan and the United Kingdom: Revocation of Antidumping Duty Orders*, 76 FR 41761 (July 15, 2011) (*Revocation Notice*).

[15] *See NSK May 2013.*

[16] *See NSK November 2013.*

[17] *See Revocation Notice,* 76 FR at 41762–63. We instructed CBP to continue the suspension of liquidation of entries pending a ''final and conclusive'' court decision. *Id.*

[18] *See id.,* 76 FR at 41762.

[19] *See Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Preliminary Results of Antidumping Administrative and Changed-Circumstances Reviews,* 76 FR 22372 (April 21, 2011). The reviews involving ball bearings and parts thereof from France, Germany, and Italy were completed on August 24, 2011. *See Ball Bearings and Parts Thereof From France, Germany, and Italy: Final Results of Antidumping Administrative and Changed Circumstances Reviews,* 76 FR 52937 (August 24, 2011).

[20] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 76 FR 37781 (June 28, 2011). The reviews involving ball bearings and parts thereof from France, Germany, and Italy were completed on December 10, 2012. *See Ball Bearings and Parts Thereof From France, Germany, and Italy: Final Results of Antidumping Administrative Reviews; 2010–2011,* 77 FR 73415 (December 10, 2012).

after the date of publication of this notice.

Furthermore, *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification*), applies to these administrative reviews.[21]

**Subsequent Administrative Reviews**

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Act, may request, in accordance with 19 CFR 351.213, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Subsequent to the *Revocation Notice,* two anniversary months for these orders have passed (May 2012 and May 2013). Therefore, we intend to provide interested parties an opportunity to request administrative reviews of these *Orders.* We intend to provide interested parties with this opportunity simultaneously with the next anniversary month for these *Orders* (May 2014). If any reviews are requested, we intend to conduct the reviews simultaneously.

**Advance Notification of Sunset Reviews**

Every five years, pursuant to section 751(c) of the Act, the Department and the ITC automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury. The third sunset reviews of these orders were scheduled for initiation in August 2011 but were obviated by the *Revocation Notice.* This notice constitutes advance notification for the sunset reviews of these orders which we intend to initiate on January 2, 2014.[22]

This notice is published consistent with section 777(i) of the Act.

[21] See *Final Modification,* 77 FR at 8113.

[22] For information relevant to the Department's conduct of sunset reviews, *see, e.g., Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews,* 78 FR 60252 (October 1, 2013).

Dated: December 9, 2013.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2013–29839 Filed 12–13–13; 8:45 am]

**BILLING CODE 3510–DS–P**

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–893]**

### Certain Frozen Warmwater Shrimp From the People's Republic of China: Notice of Final Reconsideration of Changed Circumstances Review

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (''Department'') has received information sufficient to warrant reconsideration of a completed changed circumstances review (''CCR'') of the antidumping duty order on certain frozen warmwater shrimp from the People's Republic of China (''PRC'') originally conducted in 2007.[1] Based on evidence uncovered in the sixth administrative review (''AR6'') of this proceeding,[2] we find the information submitted by Hilltop International (''Hilltop'')[3] in this CCR contains material misrepresentations and, consequently, is unusable for any purposes. Accordingly, our original determination that Hilltop is the successor-in-interest to Yelin Enterprise Co. Hong Kong (''Yelin'') is reversed such that Hilltop should properly be considered part of the PRC-wide entity, absent a determination of its own rate separate from the PRC-wide entity.[4]

**DATES:** Effective Date: December 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2593.

**SUPPLEMENTARY INFORMATION:**

**Background**

Yelin was formally dissolved on December 12, 2006.[5] On March 16, 2007, Hilltop filed a submission requesting that the Department conduct a CCR of the antidumping duty order on certain frozen warmwater shrimp from the PRC to confirm that Hilltop is the successor-in-interest to Yelin.[6] On May 2, 2007, the Department published a combined initiation and preliminary results finding that Hilltop was the successor-in-interest to Yelin.[7] On June 18, 2007, this finding was confirmed in the final results of this CCR.[8]

On December 5, 2012, the Department reopened the record of this CCR to reconsider our determination in light of the evidence discovered in AR6 regarding Hilltop's affiliation with Ocean King (Cambodia) Co. Ltd.[9] On February 27, 2013, the Department published in the **Federal Register** its *Preliminary Reconsideration* of this CCR, wherein the original finding that Hilltop was the successor-in-interest to Yelin was preliminarily reversed and Hilltop was preliminarily found to be part of the PRC-wide entity.[10] Hilltop and Petitioner[11] submitted comments on the *Preliminary Reconsideration* on

[1] *See Certain Frozen Warmwater Shrimp from the People's Republic of China: Notice of Final Results of Changed Circumstances Review,* 72 FR 33447 (June 18, 2007).

[2] *See Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results, Partial Rescission of Sixth Antidumping Duty Administrative Review and Determination Not To Revoke in Part,* 77 FR 53856 (''*PRC Shrimp AR6 Final*'').

[3] In the final results of the recently completed seventh administrative review, the Department noted that Hilltop, as in prior reviews, has reported that it is affiliated with Yangjiang City Yelin Hoitat Quick Frozen Seafood Co., Ltd., Fuqing Yihua Aquatic Food Co., Ltd., Yelin Enterprise Co., Ltd., Ocean Beauty Corporation, Ever Hope International Co., Ltd., Ocean Duke Corporation and Kingston Foods Corporation. *See Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results of Administrative Review; 2011–2012,* 78 FR 56209, 56210 (September 12, 2013) (''*PRC Shrimp AR7 Final*'').

[4] *See, e.g., Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Changed Circumstances Review,* 75 FR 46914, 46916 (August 4, 2010); *Frozen Warmwater Shrimp from Vietnam: Notice of Final Results of Antidumping Duty Changed Circumstances Reviews,* 74 FR 42050, 42051 (August 20, 2009).

[5] *See* Letter from Hilltop to the Secretary of Commerce ''Request for Expedited Changed Circumstances Determination'' (March 16, 2007).

[6] *See id.*

[7] *Certain Frozen Warmwater Shrimp from the People's Republic of China: Notice of Initiation and Preliminary Results of Changed Circumstances Review,* 72 FR 24273 (May 2, 2007).

[8] *See Certain Frozen Warmwater Shrimp from the People's Republic of China: Notice of Final Results of Changed Circumstances Review,* 72 FR 33447 (June 18, 2007).

[9] *See* Letter to All Interested Parties from Catherine Bertrand, Program Manager, Office 9, ''Certain Frozen Warmwater Shrimp from the People's Republic of China: Reopening the Record of Changed Circumstances Review'' (December 5, 2012).

[10] *See Certain Frozen Warmwater Shrimp From the People's Republic of China: Notice of Preliminary Reconsideration of Changed Circumstances Review,* 78 FR 13324 (February 27, 2013) (''*Preliminary Reconsideration*'').

[11] Petitioner is the Ad Hoc Shrimp Trade Action Committee and its members.

March 27, 2013,[12] and rebuttal comments on April 1, 2013.[13]

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[14] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. The revised deadline for the final reconsideration of this CCR is now December 11, 2013.[15]

**Scope of Order**

The merchandise that is subject to the order is certain frozen warmwater shrimp from the PRC. The products subject to the order at the time of this CCR was originally conducted[16] were classified under U.S. Harmonized Tariff Schedule (''HTSUS'') subheadings 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, and 1605.20.10.30. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise remains dispositive.[17]

**Analysis of Comments Received**

All issues raised in case and rebuttal briefs are addressed in the Final Reconsideration Memorandum.[18] A list of the issues which parties have raised, and to which we have responded in the Final Reconsideration Memorandum, is attached to this notice as an Appendix. The Final Reconsideration Memorandum is a public document on file electronically via the Department'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 Final Reconsideration Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/.* The signed Final Reconsideration Memorandum and the electronic versions of the Final Reconsideration Memorandum are identical in content.

**Final Reconsideration**

For the reasons detailed in the Final Reconsideration Memorandum, we continue to find that Hilltop is not the successor-in-interest to Yelin and is considered part of the PRC-wide entity. In making this determination we have relied on adverse facts available, in accordance with section 776(a) and (b) of the Tariff Act of 1930, as amended (''the Act'').

**Instructions to U.S. Customs and Border Protection**

As a result of this determination, we reverse our previous successor-in-interest determination and find that Hilltop is not the successor-in-interest to Yelin. Although the reconsidered CCR precedes several administrative reviews in which Hilltop was involved, we note that this finding is consistent with the most recently completed seventh administrative review, in which Hilltop was determined to be part of the PRC-wide entity.[19] Hilltop is currently subject to the cash deposit requirements applicable to the PRC-wide entity, which is 112.81 percent. We also note that this finding is consistent with the Department's most recent findings in the fourth, fifth, and six administrative reviews, in which Hilltop was found to be part of the PRC-wide entity.[20] Thus, Hilltop's current cash deposit requirement shall remain in effect until further notice.

**Notification**

This notice serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/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.

We are issuing and publishing this notice in accordance with sections 751(b)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 351.221(c)(3).

Dated: December 6, 2013.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2013–29838 Filed 12–13–13; 8:45 am]

BILLING CODE 3510–DS–P

[12] *See* Letter to the Secretary of Commerce from Petitioner ''Changed Circumstances Review for Certain Frozen Warmwater Shrimp from the People's Republic of China: Case Brief'' (March 27, 2013); Letter to the Secretary of Commerce from Hilltop ''Administrative Case Brief for Hilltop International in the Reconsideration of Changed Circumstances Review: Certain Frozen Warmwater Shrimp from the People's Republic of China'' (March 27, 2013).

[13] *See* Letter to the Secretary of Commerce from Petitioner ''Changed Circumstances Review for Certain Frozen Warmwater Shrimp from the People's Republic of China: Rebuttal Brief'' (April 1, 2013); Letter to the Secretary of Commerce from Hilltop ''Reply Brief for Hilltop International in the Reconsideration of Changed Circumstances Review: Certain Frozen Warmwater Shrimp from the People's Republic of China'' (April 1, 2013).

[14] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (October 18, 2013).

[15] We note that the original deadline for this final reconsideration was November 24, 2013, which was a Sunday. Accordingly, this final reconsideration has been extended 16 days from the following business day, November 25, 2013.

[16] We note that on April 26, 2011, the Department amended the antidumping duty order to include dusted shrimp, pursuant to the U.S. Court of International Trade (''CIT'') decision in *Ad Hoc Shrimp Trade Action Committee* v. *United States,* 703 F. Supp. 2d 1330 (CIT 2010) and the U.S. International Trade Commission determination, which found the domestic like product to include dusted shrimp. *See Certain Frozen Warmwater Shrimp From Brazil, India, the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Amended Antidumping Duty Orders in Accordance with Final Court Decision,* 76 FR 23277 (April 26, 2011). The scope referenced here is the scope that was in effect when the Department conducted this original CCR proceeding.

[17] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp From the People's Republic of China,* 70 FR 5149 (February 1, 2005).

[18] See Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Final Reconsideration of Changed Circumstances Review: Certain Frozen Warmwater Shrimp from the People's Republic of China,'' (''Final Reconsideration Memorandum'') dated concurrently with these results and hereby adopted by this notice.

[19] *See, e.g., PRC Shrimp AR7 Final,* 78 FR at 56210.

[20] *See Final Results Of Redetermination Pursuant To Court Remand* (November 4, 2013), available at *http://enforcement.trade.gov/remands/; Final Results Of Redetermination Pursuant To Court Remand* (November 7, 2013), available at *http://enforcement.trade.gov/remands/; PRC Shrimp AR6 Final.*

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## Fisheries of the South Atlantic and the Gulf of Mexico; South Atlantic Fishery Management Council (SAFMC) and Gulf of Mexico Fishery Management Council (GMFMC); Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of a public meeting of the SAFMC and GMFMC Joint Council Committee on South Florida Management Issues and the Ad Hoc

Goliath Grouper Joint Council Steering Committee.

**SUMMARY:** The SAFMC and the GMFMC will hold a meeting of the Joint Council Committee on South Florida Management Issues and the Goliath Grouper Joint Council Steering Committee in Key Largo, FL.

**DATES:** The meeting will be held January 7–9, 2014.

**ADDRESSES:**

*Meeting address:* The meeting will be held at the Hilton Key Largo Resort, 97000 Overseas Highway, Key Largo, FL 33037; telephone: (305) 852–5553. The meeting is open to members of the public and public comment will be accepted at the meeting.

*Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa FL 33607.

**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 meeting will begin at 8:30 a.m. on Tuesday, January 7, 2014 and end at 12 noon on Thursday, January 9, 2014.

The items of discussion for the Joint Council Committee on South Florida Management Issues agenda are as follows:

1. Approval of the agenda, minutes, and election of a chairman for each committee;
2. Discuss the purpose and goal;
3. Receive an overview presentation on South Florida Issues Workshops and discuss results;
4. Receive an overview of status and trends for South Florida species and discuss species specific management concerns and next steps for: yellowtail snapper; mutton snapper; hogfish; mangrove snapper; shallow-water groupers; Nassau grouper; warsaw and speckled hind; and other species as necessary;
5. Management structure concerns, challenges, and possible solutions for South Florida;
6. Next steps for addressing South Florida issues; and other business.

The items of discussion for the Ad Hoc Goliath Grouper Joint Council Committee agenda are as follows:

1. Review the last stock assessment for goliath grouper;
2. Presentation on Goliath Grouper Stakeholder Workshops and survey;
3. Review of recommendations from Ad Hoc Goliath Grouper Joint Science Workshop;
4. Review of ongoing goliath grouper research;
5. Next steps for assessment;
6. Possible management options for moving beyond the moratorium, next steps, and other business.

Other items of discussion may arise as the result of the public comment received.

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 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: December 11, 2013.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2013–29774 Filed 12–13–13; 8:45 am]

**BILLING CODE 3510–22–P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting Notice

**TIME AND DATE:** Wednesday, December 18, 2013, 10 a.m.–12 p.m.

**PLACE:** Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Commission Meeting—Open to the Public.

**MATTER TO BE CONSIDERED:** Briefing Matter: Bedside Sleepers (Section 104)—Final Rule.

A live webcast of the Meeting can be viewed at *www.cpsc.gov/live.*

For a recorded message containing the latest agenda information, call (301) 504–7948.

**CONTACT PERSON FOR MORE INFORMATION:** Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: December 12, 2013.

**Todd A. Stevenson,**

*Secretary.*

[FR Doc. 2013–29937 Filed 12–12–13; 4:15 pm]

**BILLING CODE 6355–01–P**

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Sunshine Act Meeting Notice

The Board of Directors of the Corporation for National and Community Service gives notice of the following meeting:

**DATE AND TIME:** Tuesday, December 17, 2013, 9:00–10:00 a.m. (ET).

**PLACE:** Corporation for National and Community Service, 1201 New York Avenue NW., Suite 8312, Washington, DC 20525 (Please go to 10th floor reception area for escort).

**CALL-IN INFORMATION:** This meeting is available to the public through the following toll-free call-in number: 888–790–1832 conference call access code number 4386716. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and CNCS will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Replays are generally available one hour after a call ends. The toll-free phone number for the replay is 888–566–0076, replay passcode 6617. The end replay date is December 24, 2013, 10:59 p.m. (CT).

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

I. Chair's Opening Comments
  a. Call to Order, Welcome, and Preview of Today's Meeting Agenda
  b. Introduction and Acknowledgements
  c. Summary Status of Board Interaction
II. Committee Reports
III. Consideration of Previous Meeting's Minutes
IV. CEO Report
V. Acknowledgement of Board Member Transitions
VI. Discussions, Deliberations and Official Actions
VII. Public Comments
VIII. Final Comments and Adjournment

Members of the public who would like to comment on the business of the Board may do so in writing or in person.

Individuals may submit written comments to *jmauk@cns.gov* subject line: DECEMBER 2013 CNCS BOARD MEETING by 4:00 p.m. (ET) on December 13, 2013. Individuals attending the meeting in person who would like to comment will be asked to sign-in upon arrival. Comments are requested to be limited to 2 minutes.

**REASONABLE ACCOMMODATIONS:** The Corporation for National and Community Service provides reasonable accommodations to individuals with disabilities where appropriate. Anyone who needs an interpreter or other accommodation should notify Ida Green at *igreen@cns.gov* or 202–606–6861 by 5 p.m. (ET) on December 13, 2013.

**CONTACT PERSON FOR MORE INFORMATION:** Jenny Mauk, Special Assistant to the CEO, Corporation for National and Community Service, 1201 New York Avenue NW., Washington, DC 20525. Phone: 202–606–6615. Fax: 202–606–3460. TTY: 800–833–3722. Email: *jmauk@cns.gov.*

Dated: December 11, 2013.

**Valerie Green,**

*General Counsel.*

[FR Doc. 2013–29912 Filed 12–12–13; 11:15 am]

BILLING CODE 6050–28–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2013–OS–0228]**

### Proposed Collection; Comment Request

**AGENCY:** National Geospatial-Intelligence Agency, DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the National Geospatial-Intelligence Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by February 14, 2014.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

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

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information. Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Psychological Services Branch, National Geospatial-Intelligence Agency, Springfield, VA 22150.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Psychological Services Records; OMB Control Number 0704–XXXX.

*Needs and Uses:* The information collection requirement is necessary for the formulation of recommendations rendered as part of the Agency's psychological screening, selection, and evaluation initiatives for pre-employment of NGA police officer candidates.

*Affected Public:* Individuals or Households.

*Annual Burden Hours:* 100.

*Number of Respondents:* 50.

*Responses per Respondent:* 1.

*Average Burden per Response:* 120 minutes.

*Frequency:* On occasion.

Respondents are applicants who are applying for NGA police officer positions. NGA psychologists who interview and assess the mental health qualifications of the applicants record a summary of the assessments in Psychological Records Services system as part of the evaluation process to determine employment eligibility. Having qualified professionals provide psychological assessments is an essential element in the interview process and helps to ensure that qualified candidates are selected to fill the position of NGA police.

Dated: December 11, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013–29792 Filed 12–13–13; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2013–HA–0175]**

### Submission for OMB Review; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**DATES:** Consideration will be given to all comments received by January 15, 2014.

**FOR FURTHER INFORMATION CONTACT:** Fred Licari, 571–372–0493.

**SUPPLEMENTARY INFORMATION:**

*Title, Associated Form and OMB Number:* Researcher Responsibilities Form; OMB Number 0720–0042.

*Type of Request:* Extension.

*Number of Respondents:* 89.

*Responses per Respondent:* 1.

*Annual Responses:* 89.

*Average Burden per Response:* 30 minutes.

*Annual Burden Hours:* 45.

*Needs and Uses:* The information collection requirement is necessary to document researcher's understanding and acceptance of the regulatory and ethical responsibilities pertaining to including humans as subjects in research. Principal and associate investigators must have the proposed, signed form on file before they may engage in research conducted or supported by entities under the purview of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)).

*Affected Public:* Federal Government; For-profit businesses; not-for-profit businesses.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.

*OMB Desk Officer:* Mr. John Kraemer.

Written comments and recommendations on the proposed information collection should be sent to Mr. John Kraemer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: December 11, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013–29784 Filed 12–13–13; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal Nos. 13–58]**

### 36(b)(1) Arms Sales Notification

**AGENCY:** Department of Defense, Defense Security Cooperation Agency.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 13–58 with attached transmittal and policy justification.

Dated: December 11, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

DEC 04 2013

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 13-58, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services estimated to cost $150 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

For J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance Statement (Classified Document Provided Under Separate Cover)

BILLING CODE 5001–06–C

Transmittal No. 13–58

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

(i) *Prospective Purchaser:* The Government of Kuwait

(ii) *Total Estimated Value:*

| | |
|---|---|
| Major Defense Equipment* | $ 0 million |
| Other | $150 million |
| TOTAL | $150 million |

*as defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Continuation of contractor engineering technical services, contractor maintenance services, Hush House support services, and Liaison Office Support for the Kuwaiti Air Force F/A–18 C/D program, which will include spare and repair parts, publications and technical documentation, U.S. Government and contractor technical support services and other related elements of logistics support.

(iv) *Military Department:* Navy (GGZ)

(v) *Prior Related Cases, if any:* Multiple cases date back to 1997; most recent FMS case is GGT–$100M–08Nov11

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* December 4, 2013.

*POLICY JUSTIFICATION*

*Government of Kuwait—Follow-on Contractor Engineering Technical Services for Kuwait Air Force F/A–18 C/D*

The Government of Kuwait requests the continuation of contractor engineering technical services, contractor maintenance services, Hush House support services, and Liaison Office Support for the Kuwait's Air Force's F/A–18 C/D program, which will include spare and repair parts, publications and technical documentation, U.S. Government and contractor technical support services and other related elements of logistics support. The estimated cost is $150 million.

The proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

The proposed sale of support services will enable the Kuwait Air Force to ensure the reliability and performance of its F/A–18 C/D aircraft.

The proposed sale of support and services will not alter the basic military balance in the region.

The principal contractors will be Kay and Associates Incorporated in Buffalo Grove, Illinois; The Boeing Company in St. Louis, Missouri; Industrial Acoustics Corporation in Winchester, England; and General Electric in Lynn, Massachusetts. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require 275 U.S. Government and contractor representatives to travel to Kuwait for a period of three years to provide support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2013–29790 Filed 12–13–13; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal Nos. 13–63]**

### 36(b)(1) Arms Sales Notification

**AGENCY:** Department of Defense, Defense Security Cooperation Agency.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 13–63 with attached transmittal and policy justification.

Dated: December 11, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

DEC 04 2013

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 13-63, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Switzerland for defense articles and services estimated to cost $200 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

For J.W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 5001–06–C

Transmittal No. 13–63

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Switzerland

(ii) *Total Estimated Value:*

| | |
|---|---|
| Major Defense Equipment * | $ 0.0 million |
| Other | $ 200.0 million |
| TOTAL | $ 200.0 million |

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* follow-on support for Switzerland's F/A–18 Hornet Upgrade Program to include: participation in the F/A–18 Engine Component Improvement Program (CIP), spare and repair parts, system integration and testing, classified and unclassified publications and technical documentation, flight testing, support and test equipment, transportation, personnel training and training equipment, software development, U.S. Government and contractor technical and logistics support services, and other related elements of logistics support.

(iv) *Military Department:* Navy (GAX)

(v) *Prior Related Cases:*

FMS case SAI–$1.7B—8Jul93
FMS case LAC–$283M—18Jul00
FMS case JAE–$27M—18Jul00
FMS case GAL–$59M—18Jun01
FMS case LAJ–$22M—8Mar07
FMS case GAU–$45M—25Jul08
FMS case LAL–$293M—5Jan09

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached.

(viii) *Date Report Delivered to Congress:* December 4, 2013

* as defined in Section 47(6) of the Arms Export Control Act.

*POLICY JUSTIFICATION*

*Switzerland—F/A–18 Hornet Follow-On Support*

The Government of Switzerland has requested a possible sale of follow-on support for Switzerland's F/A–18 Hornet Upgrade Program to include: participation in the F/A–18 Engine Component Improvement Program (CIP), spare and repair parts, system integration and testing, classified and unclassified publications and technical documentation, flight testing, support and test equipment, transportation, personnel training and training equipment, software development, U.S. Government and contractor technical and logistics support services, and other related elements of logistics support. The estimated cost is $200 million.

The proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been, and continues to be, an important force for political stability and economic progress in Europe.

The proposed sale of this follow on support will allow the Swiss Air Force to extend the useful life of its F/A–18 fighter aircraft and enhance their survivability. The defense articles and

services will be used to support the current Switzerland F/A–18 Hornet Upgrade 25 program and future upgrade programs. The Swiss Air Force needs this support to keep pace with technology advances in sensors, weaponry, and communications.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Excelis Inc. in Clifton, New Jersey; Northrop Grumman Electronic Systems in Linthicum, Maryland; The Boeing Company in St. Louis, Missouri; General Electric Aircraft Engines in Lynn, Massachusetts; General Dynamics Information Technology in Wildewood, Maryland; Wyle Laboratories in Lexington Park, Maryland; MacKee, Inc. in Philadelphia, Pennsylvania; and Zenetex in California, Maryland. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representative's in-country. However, multiple trips to Switzerland involving U.S. Government and contractor representatives will be required for technical reviews/support, program management, and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2013–29791 Filed 12–13–13; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal Nos. 13–66]**

### 36(b)(1) Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 13–66 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: December 11, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

DEC 03 2013

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 13-66, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost $151 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille Jr.
For J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 13–66

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Republic of Korea

(ii) *Total Estimated Value:*

| | |
|---|---|
| Major Defense Equipment ... | $ 66 million |
| Other ..... | $ 85 million |
| TOTAL ..... | $151 million |

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

14 CH–47D Model Aircraft to include T55–GA–714A Turbine Engines, 2 per aircraft (14 ac × 2 = 28 engines)
5 T55–GA–714A Turbine Engines to be used as spares
16 AN/ARC–220 HF Radios
32 AN/ARC–186 VHF AM/FM Radios
16 AN/ARN 123 VOR ILS Marker Beacons
14 AN/ARN–154(V) Tactical Air Navigation (TACAN) Systems
16 AN/ARC–201D or AN/ARC–201E VHF FM Homing Radios
16 AN/APN–209D Radar Altimeters
16 AN/ASN–43 Gyro-magnetic Compasses

Also included are mission equipment, communication and navigation equipment, ground support equipment, special tools and test equipment, spares, publications, Maintenance Work Orders/Engineering Change Proposals (MWO/ECP), technical support and training.

(iv) *Military Department:* Army (ZDF)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 3 December 2013

* as defined in Section 47(6) of the Arms Export Control Act.

## POLICY JUSTIFICATION

*Government of The Republic of Korea—CH–47D Aircraft*

The Government of The Republic of Korea has requested a possible sale of:

14 CH–47D Model Aircraft to include T55–GA–714A Engines, 2 per aircraft (14 ac × 2=28 engines)
5 T55–GA–714A Turbine to be used as spares.
16 AN/ARC–220 HF Radios
32 AN/ARC–186 VHF AM/FM Radios
16 AN/ARN 123 VOR ILS Marker Beacons
14 AN/ARN–154(V) Tactical Air Navigation (TACAN) System
16 AN/ARC–201D or AN/ARC–201E VHF FM Homing Radios
16 AN/APN–209D Radar Altimeters
16 AN/ASN–43 Gyro-magnetic Compasses

Also included are mission equipment, communication and navigation equipment, ground support equipment, special tools and test equipment, spares, publications, Maintenance Work Orders/Engineering Change Proposals (MWO/ECP), technical support and training. The total estimated value for these articles and services is $151 million.

The CH–47Ds being considered for this sale are currently operated by U.S. Forces Korea (USFK) in the ROK. This proposed sale of CH–47D aircraft equipped with T55–GA–714A engines will be provided from U.S. Army inventory located at Camp Humphrey, South Korea. The T55–GA–714A Engines to be provided as spares will also be provided from U.S. Government inventory.

If this proposed sale is approved, the aircraft will be sold and transferred to the ROK incrementally once USFK begins taking receipt of new-production CH–47F model aircraft, a process currently estimated to begin in the January 2014 timeframe. The U.S. Army will not replace the CH–47D aircraft being proposed for sale and transfer to the ROK. This proposed sale will allow the U.S. Army to avoid transportation and/or demilitarization costs in the amount of approximately $13.4 million.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by meeting the legitimate security and defense needs of an ally and partner nation. The ROK continues to be an important force for peace, political stability and economic progress in North East Asia.

The proposed sale will improve the ROK's capability to meet current and future requirements for troop movement, medical evacuation, aircraft recovery, parachute drop, search and rescue, disaster relief, fire-fighting and heavy construction support. The ROK will use this enhanced capability to strengthen its homeland defense, deter regional threats, and improve humanitarian and disaster mobilization and response. These efforts support both ROK and U.S. interests and objectives, and are consistent with strategic and regional goals. This sale is also consistent with the U.S. strategic interests for stability in the Pacific Command Area of Operations.

The ROK is capable of absorbing and maintaining this additional equipment in its inventory. The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be The Boeing Company in Ridley Park, Pennsylvania. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of 18 U.S. Government or contractor representatives to the ROK to provide support, program management, and training for a period of up to 2 years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 13–66

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The CH–47D Model Aircraft includes the following sensitive and/or classified (up to and including Secret) components:

a. The CH–47D is a medium lift aircraft, remanufactured from the CH–47A, B and C aircraft. The CH–47D aircraft, which includes two T55–GA–714A engines, has been identified as Major Defense Equipment (MDE). The avionic system in the CH–47D helicopter consists of the communications equipment providing HF (AN/ARC–220 without ECCM) and VHF AM/FM (AN/ARC–186) communications, VOR ILS Marker Beacon (AN/ARN–123), Tactical Air Navigation (TACAN) System AN/ARN–154(V), VHF FM Homing (AN/ARC–201E) is provided through the FM communication radio.

b. Use of the AN/APN–209D Radar altimeter provides accurate indication of the altitude of the aircraft over all types of terrain, and the AN/ASN–43 Gyro magnetic compass provides heading information to assist with navigation of the aircraft.

c. The command, control and communications equipment needed to operate in a secure communications environment will facilitate the performance of the CH–47D within the Republic of Korea and in combined operations with the U.S., where interoperability is paramount

d. The radios serve to modernize the command and control infrastructure to facilitate interoperability with U.S. forces. Moreover the equipment will

provide critical VHF/UHF and SATCOM links necessary for an agile, fast moving force. Integration of the ARC–201 (SINCGARS) FM radios will enhance this interoperability.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or could be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2013–29797 Filed 12–13–13; 8:45 am]

**BILLING CODE 5001–06–C**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Establishment of the Secretary of the Navy Advisory Panel

**AGENCY:** DoD.

**ACTION:** Renewal of Federal Advisory Committee.

**SUMMARY:** The Department of Defense gives notice that it is renewing the charter for the Secretary of the Navy Advisory Panel (''the Panel''). The Panel has been determined to be in the public interest.

**FOR FURTHER INFORMATION CONTACT:** Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

**SUPPLEMENTARY INFORMATION:** This Federal Advisory Committee is being renewed under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.50(a).

The Panel shall provide independent advice and recommendations on critical matters concerning the Department of the Navy, as set forth in this notice.

The Panel's focus will include Department of the Navy administration and management, recruitment and training, equipment acquisition and maintenance, military and civilian manpower systems, basing and support infrastructure, and logistical support. The Panel will also focus on research and development matters confronting the U.S. Navy and the U.S. Marine Corps and on matters pertaining to preserving the history and heritage of the Naval Services.

The Panel shall be composed of no more than 15 members. The members will be eminent authorities in the fields of science, research, finance, history, engineering, business, and industry.

The Panel members will be appointed by the Secretary of Defense or the Deputy Secretary of Defense for a term of service of one-to-four years and their appointments will be renewed on an annual basis in accordance with DoD policies and procedures. Members of the Panel who are not full-time or permanent part-time Federal employees will be appointed as experts and consultants under the authority of 5 U.S.C. 3109 to serve as special government employee (SGE) members. Panel members who are full-time or permanent part-time Federal employees will serve as regular government employee members. All members of the Panel are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

Panel members, if appointed by the Secretary of Defense or the Deputy Secretary of Defense as SGE members, will serve without compensation. However, Panel members will be reimbursed for travel and per diem as it pertains to official business of the Panel.

No member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service on the Panel, to include its subcommittees, or serve on two DoD federal advisory committees at one time.

The Secretary of Defense, in consultation with the Secretary of the Navy, shall appoint the Panel's chairperson from the total membership.

The Secretary of the Navy, pursuant to DoD policies and procedures, may appoint, as deemed necessary, non-voting subject matter experts (SMEs) to assist the Panel or its subcommittees on an ad hoc basis. These non-voting SMEs are not members of the Panel or its subcommittees, and will not engage or participate in any deliberations by the Panel or its subcommittees. These non-voting SMEs, if not full-time or part-time Government employees, will be appointed under the authority of 5 U.S.C. 3109 on an intermittent basis to address specific issues under consideration by the Panel.

DoD, as necessary and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Panel.

Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Navy, as the DoD Sponsor.

Such subcommittees shall not work independently of the chartered Panel, and shall report all their recommendations and advice solely to the Panel for full deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the chartered Panel. No subcommittee or any of its members can update or report, verbally or in writing, directly to the DoD or any Federal officers or employees.

All subcommittee members shall be appointed in the same manner as the Panel members; that is, the Secretary of Defense or the Deputy Secretary of Defense shall appoint subcommittee members even if the member in question is already a member of the Panel. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of one-to-four years; however, no member shall serve more than two consecutive terms of service on the subcommittee.

Subcommittee members, if not full-time or part-time Federal employees, will be appointed as experts and consultants under the authority of 5 U.S.C. 3109 to serve as SGE members, whose appointments must be renewed on an annual basis. With the exception of reimbursement for travel and per diem as it pertains to official travel related to the Panel or its subcommittees, Panel subcommittee members shall serve without compensation.

Each subcommittee member is appointed to provide advice on behalf of the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

All subcommittees operate under the provisions of the FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

Currently, DoD has approved the following two permanent subcommittees to the Panel:

(a) The Naval Research Advisory Committee shall be composed of not more than seven members and shall provide independent advice and recommendations on scientific, technical, research, and development matters confronting the U.S. Navy and the U.S. Marine Corps. Pursuant to 10 U.S.C. 5024(a), the subcommittee shall consist of civilians preeminent in the fields of science, research, and development work, and one member must be from the field of medicine.

The estimated number of meetings is four per year.

(b) The Secretary of the Navy's Advisory Subcommittee on Naval History shall be composed of not more than 15 members and shall provide independent advice and recommendations on matters pertaining to preserving the heritage and legacy of the Naval Services and disseminating their rich history to the Service and the American public. Advisory topics may include professional standards, methods, program priorities, cooperative relationships in Marine Corps and Navy's historical research and publication programs, museums, archives, archeology, libraries, manuscript collections, rare book collections, art collections, preservation, and curatorial activities. The subcommittee shall consist of civilians who have broad managerial experience, vision, and understanding in one or more of the following areas: military and maritime history, archives, museology, art, library science, and information technology.

The estimated number of meetings is one per year.

The Panel's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and will be appointed in accordance with established DoD policies and procedures.

The Panel's DFO is required to be in attendance at all Panel and subcommittee meetings for the duration of each and every meeting. However, in the absence of the Panel's DFO, a properly approved Alternate DFO, duly appointed to the Panel according to DoD policies and procedures, will attend the entire duration of all of the Panel or subcommittee meeting.

The DFO, or the Alternate DFO, will call all of the Panel and its subcommittee meetings; prepare and approve all meeting agendas; adjourn any meeting, when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures; and chair meetings when directed to do so by the official to whom the Panel reports.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the Secretary of the Navy Advisory Panel membership about the Panel's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of Secretary of the Navy Advisory Panel.

All written statements shall be submitted to the Designated Federal Officer for the Secretary of the Navy Advisory Panel, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Secretary of the Navy Advisory Panel's Designated Federal Officer can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.*

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Secretary of the Navy Advisory Panel. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: December 11, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013–29772 Filed 12–13–13; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Meeting of the National Commission on the Structure of the Air Force

**AGENCY:** Director of Administration and Management, DoD.

**ACTION:** Notice of Advisory Committee Meetings.

**SUMMARY:** The Department of Defense is publishing this notice to announce a closed Federal advisory committee meeting of the National Commission on the Structure of the Air Force (''the Commission'').

**DATES:** *Date of Closed Meetings:* Tuesday, December 17, 2013, from 10:00 a.m. to 5:00 p.m.

**ADDRESSES:** 2521 South Clark Street, Suite 525, Crystal City, VA 22202 and, as necessary, a secure video teleconferencing line.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Marcia Moore, Designated Federal Officer, National Commission on the Structure of the Air Force, 1950 Defense Pentagon, Room 3A874, Washington, DC 20301–1950. Email: *marcia.l.moore12.civ@mail.mil.* Desk (703) 545–9113. Facsimile (703) 692–5625.

**SUPPLEMENTARY INFORMATION:**

*Purpose of Meetings:* The meetings are being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The meeting scheduled for December 17, 2013 is the fifth in a series of five meetings held for the Commissioners to consider information and data from a variety of sources that will be presented and aggregated by employing several data, analytic and decision support tools that contain classified information. Three prior closed meetings were held in November 2013 and the fourth was held on December 10, 2013. The five meetings were approved with similar agendas. The December 17, 2013 is being held to finalize and write recommendations.

*Agenda:* The agenda items for both meetings are:

—The role of airpower in the post-Afghanistan national security situations likely to be encountered by the Air Force capabilities and Airmen and the implications for the structure of the Air Force. This discussion will be organized into three categories. The ''Away Game,'' will involve emerging demands on Air Force capabilities such as: Intelligence, Surveillance and Reconnaissance, Remotely Piloted Aircraft, Space, Cyber, Special Operations, and Building Partnership Capacity. Commissioners will also explore the implications of rising demands and expectations for the ''Home Game'' in missions such as Homeland Defense, Homeland Security, and Defense Support to Civil Agencies. This will include implications for the structure of the Air Force from the growing threat of the ''Away Game'' involving simultaneous attacks on the Homeland. The third area of discussion will be on the continuing growth of demand on traditional Air Force core functions including: Air Superiority, Air Mobility, Global Precision Attack, Nuclear Deterrence Operations, Command and Control, Personnel Recovery, Agile Combat Support, Training and Education, and other specific mission sets such as security forces, civil engineering and science and technology.

—Projections and assumptions about future resource levels that will be available to organize, train and equip the Air Force. This will include assumptions about how the Budget Control Act and Sequestration legislation will affect Total Obligational Authority and associated planning, programming and budgeting flexibility. Commissioners will also consider the impact of strategic choices on Air Force capabilities and force structure options derived from the selection of national priorities among modernization, technology,

recapitalization, readiness, capacity and force structure. In this discussion Commissioners will consider the various approaches to how to calculate and apply cost methods and data to questions of force structure.

—The root causes of legislative and bureaucratic development of the force structure issues that led to the creation of the Commission in 2013. They will consider how these issues are rooted in the American militia heritage and the history of the Air Force since 1947. This discussion will extend to accounting for the socio-cultural dimensions of force structure issues ranging from the fundamental relationship of the American people to their military and to sub-cultures within the Air Force.

—How to institutionalize the shift in the fundamental role of the reserve components from a strategic reserve to an operational reserve with associated expectations. Commissioners will also consider the force mix options they are prepared to assess in terms of relative weight of force structure in each of the components. Commissioners will consider whether to recommend that the Department of Defense invert the force sizing planning paradigm from sizing to meet the expected wartime surge to an approach that begins with the Steady State Requirement then resource the components to provide the nation with a meaningful surge capacity for the strategy. They will also address considerations for measuring and assessing Active, Reserve and Guard Effectiveness—both cost and mission effectiveness.

—Alternative approaches to how the nation should direct, control and guide the active, reserve and National Guard Air Forces, including:

Whether, and if so how, to simplify Title 10, Title 32 and other governing legislative authorities;

How to re-balance the current mix of Active, Reserve and Guard components into and across any and all mission functions;

Whether, and if so how, to reorganize the Air Force Active, Reserve and National Guard into less than 3 components;

Can the Air Force move to a periodic readiness schedule without creating a ''hollow force;''

Does component ''ownership'' of aircraft matter anymore and how can the Associate Unit paradigm be adapted to the future;

Approaching future force integration of new systems capabilities by means of a Concurrent Proportional resourcing method across the components to replace today's priority of equipping the Active Component first;

Accelerating the adoption of a ''Continuum of Service'' model to facilitate the ability of Airmen to move from any component into another at multiple points in their career path without prejudice;

Enhancing the total force through equalized opportunities across the components for professional and technical education and shared experiences.

Recognizing in promotion and selection processes differing but equivalent ends, ways, and means of professional development

Fundamental shift in policy goals for ''Deploy-to-Dwell,'' ''Mobilization-to-Dwell,'' and associated metrics for the post-Afghanistan period, as well as how deployment credit will be accounted.

Reconsider the nation's needs for Overseas Basing and the capacity of continental United States' infrastructure afforded by investments in Reserve and Guard basing capacities available to the Total Force.

*Meeting Accessibility:* In accordance with section 10(d) of the FACA, 5 U.S.C. 552b, and 41 CFR 102–3.155, the DoD determined that the Tuesday, December 17, 2013 meeting will be closed to the public in its entirety. Specifically, the Director of Administration and Management, with the coordination of the DoD FACA Attorney, has determined in writing that this meeting will be closed to the public because it discussed classified information and matters covered by 5 U.S.C. 552b(c)(1).

*Written Comments:* Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments to the Commission in response to the stated agenda of the closed meeting or the Commission's mission. The Designated Federal Officer (DFO) will review all submitted written statements before forwarding to the Commission. Written comments should be submitted to Mrs. Marcia Moore, DFO, via facsimile or electronic mail, the preferred modes of submission. Each page of the comment must include the author's name, title or affiliation, address, and daytime phone number. All contact information may be found in the **FOR FURTHER INFORMATION CONTACT** section. While written comments are forwarded to the Commissioners upon receipt, note that all written comments on the Commission's charge, as described in the Background section, must be received by 5:00 p.m. on December 13, 2013 to be considered by the Commissioners for the final report. This deadline for emailed and faxed comments has been extended from November 29, 2013. The postmark deadline to mail comments was November 8, 2013.

Due to difficulties finalizing the meeting agenda for the scheduled meeting of the National Commission on the Structure of the Air Force for Tuesday, December 17, 2013, the requirements of 41 CFR 102–3.150(a) were not met. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

**Background**

The National Commission on the Structure of the Air Force was established by the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239). The Department of Defense sponsor for the Commission is the Director of Administration and Management, Mr. Michael L. Rhodes. The Commission is tasked to submit a report, containing a comprehensive study and recommendations, by February 1, 2014 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study. The comprehensive study of the structure of the U.S. Air Force will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the U.S. Air Force in a manner consistent with available resources.

The evaluation factors under consideration by the Commission are for a U.S. Air Force structure that—(a) meets current and anticipated requirements of the combatant commands; (b) achieves an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each; (c) ensures that the regular and reserve components of the Air Force have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States; (d) provides for sufficient numbers of regular members of the Air Force to provide a base of trained personnel from

which the personnel of the reserve components of the Air Force could be recruited; (e) maintains a peacetime rotation force to support operational tempo goals of 1:2 for regular members of the Air Forces and 1:5 for members of the reserve components of the Air Force; and (f) maximizes and appropriately balances affordability, efficiency, effectiveness, capability, and readiness.

Dated: December 11, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013–29794 Filed 12–13–13; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Meeting of the National Commission on the Structure of the Air Force

**AGENCY:** Director of Administration and Management, DoD.

**ACTION:** Notice of Advisory Committee Meetings.

**SUMMARY:** The Department of Defense is publishing this notice to announce a closed Federal advisory committee meeting of the National Commission on the Structure of the Air Force (''the Commission'').

**DATES:** *Date of Closed Meetings:* Tuesday, December 10, 2013, from 10:00 a.m. to 5:00 p.m.

**ADDRESSES:** 2521 South Clark Street, Suite 525, Crystal City, VA 22202 and, as necessary, a secure video teleconferencing line.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Marcia Moore, Designated Federal Officer, National Commission on the Structure of the Air Force, 1950 Defense Pentagon, Room 3A874, Washington, DC 20301–1950. Email: *marcia.l.moore12.civ@mail.mil*. Desk (703) 545–9113. Facsimile (703) 692–5625.

**SUPPLEMENTARY INFORMATION:** *Purpose of Meetings:* The meetings are being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The meeting scheduled for December 10, 2013 is the fourth in a series of five meetings held for the Commissioners to consider information and data from a variety of sources that will be presented and aggregated by employing several data, analytic and decision support tools that contain classified information. Three prior closed meetings, held in November 2013, were approved with similar agendas. Two additional meetings, including this one, are being held to finalize and write recommendations. The fifth meeting will be held on December 17, 2013.

*Agenda:* The agenda items for both meetings are:

—The role of airpower in the post-Afghanistan national security situations likely to be encountered by the Air Force capabilities and Airmen and the implications for the structure of the Air Force. This discussion will be organized into three categories. The ''Away Game,'' will involve emerging demands on Air Force capabilities such as: Intelligence, Surveillance and Reconnaissance, Remotely Piloted Aircraft, Space, Cyber, Special Operations, and Building Partnership Capacity. Commissioners will also explore the implications of rising demands and expectations for the ''Home Game'' in missions such as Homeland Defense, Homeland Security, and Defense Support to Civil Agencies. This will include implications for the structure of the Air Force from the growing threat of the ''Away Game'' involving simultaneous attacks on the Homeland. The third area of discussion will be on the continuing growth of demand on traditional Air Force core functions including: Air Superiority, Air Mobility, Global Precision Attack, Nuclear Deterrence Operations, Command and Control, Personnel Recovery, Agile Combat Support, Training and Education, and other specific mission sets such as security forces, civil engineering and science and technology.

—Projections and assumptions about future resource levels that will be available to organize, train and equip the Air Force. This will include assumptions about how the Budget Control Act and Sequestration legislation will affect Total Obligational Authority and associated planning, programming and budgeting flexibility. Commissioners will also consider the impact of strategic choices on Air Force capabilities and force structure options derived from the selection of national priorities among modernization, technology, recapitalization, readiness, capacity and force structure. In this discussion Commissioners will consider the various approaches to how to calculate and apply cost methods and data to questions of force structure.

—The root causes of legislative and bureaucratic development of the force structure issues that led to the creation of the Commission in 2013. They will consider how these issues are rooted in the American militia heritage and the history of the Air Force since 1947. This discussion will extend to accounting for the socio-cultural dimensions of force structure issues ranging from the fundamental relationship of the American people to their military and to sub-cultures within the Air Force.

—How to institutionalize the shift in the fundamental role of the reserve components from a strategic reserve to an operational reserve with associated expectations. Commissioners will also consider the force mix options they are prepared to assess in terms of relative weight of force structure in each of the components. Commissioners will consider whether to recommend that the Department of Defense invert the force sizing planning paradigm from sizing to meet the expected wartime surge to an approach that begins with the Steady State Requirement then resource the components to provide the nation with a meaningful surge capacity for the strategy. They will also address considerations for measuring and assessing Active, Reserve and Guard Effectiveness—both cost and mission effectiveness.

—Alternative approaches to how the nation should direct, control and guide the active, reserve and National Guard Air Forces, including:

Whether, and if so how, to simplify Title 10, Title 32 and other governing legislative authorities;

How to re-balance the current mix of Active, Reserve and Guard components into and across any and all mission functions;

Whether, and if so how, to reorganize the Air Force Active, Reserve and National Guard into less than 3 components;

Can the Air Force move to a periodic readiness schedule without creating a ''hollow force;''

Does component ''ownership'' of aircraft matter anymore and how can the Associate Unit paradigm be adapted to the future;

Approaching future force integration of new systems capabilities by means of a Concurrent Proportional resourcing method across the components to replace today's priority of equipping the Active Component first;

Accelerating the adoption of a ''Continuum of Service'' model to

facilitate the ability of Airmen to move from any component into another at multiple points in their career path without prejudice;

Enhancing the total force through equalized opportunities across the components for professional and technical education and shared experiences.

Recognizing in promotion and selection processes differing but equivalent ends, ways, and means of professional development;

Fundamental shift in policy goals for ''Deploy-to-Dwell,'' ''Mobilization-to-Dwell,'' and associated metrics for the post-Afghanistan period, as well as how deployment credit will be accounted;

Reconsider the nation's needs for Overseas Basing and the capacity of continental United States' infrastructure afforded by investments in Reserve and Guard basing capacities available to the Total Force.

*Meeting Accessibility:* In accordance with section 10(d) of the FACA, 5 U.S.C. 552b, and 41 CFR 102–3.155, the DoD determined that the Tuesday, December 10, 2013 meeting will be closed to the public in its entirety. Specifically, the Director of Administration and Management, with the coordination of the DoD FACA Attorney, has determined in writing that this meeting will be closed to the public because it discussed classified information and matters covered by 5 U.S.C. 552b(c)(1).

*Written Comments:* Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments to the Commission in response to the stated agenda of the closed meeting or the Commission's mission. The Designated Federal Officer (DFO) will review all submitted written statements before forwarding to the Commission. Written comments should be submitted to Mrs. Marcia Moore, DFO, via facsimile or electronic mail, the preferred modes of submission. Each page of the comment must include the author's name, title or affiliation, address, and daytime phone number. All contact information may be found in the **FOR FURTHER INFORMATION CONTACT** section. While written comments are forwarded to the Commissioners upon receipt, note that all written comments on the Commission's charge, as described in the Background section, must be received by 5:00 p.m. on December 13, 2013 to be considered by the Commissioners for the final report. This deadline for emailed and faxed comments has been extended from November 29, 2013. The postmark deadline to mail comments was November 8, 2013.

Due to difficulties finalizing the meeting agenda for the scheduled meeting of the National Commission on the Structure of the Air Force for Tuesday, December 10, 2013, the requirements of 41 CFR 102–3.150(a) were not met. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

**Background**

The National Commission on the Structure of the Air Force was established by the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239). The Department of Defense sponsor for the Commission is the Director of Administration and Management, Mr. Michael L. Rhodes. The Commission is tasked to submit a report, containing a comprehensive study and recommendations, by February 1, 2014 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study. The comprehensive study of the structure of the U.S. Air Force will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the U.S. Air Force in a manner consistent with available resources.

The evaluation factors under consideration by the Commission are for a U.S. Air Force structure that—(a) meets current and anticipated requirements of the combatant commands; (b) achieves an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each; (c) ensures that the regular and reserve components of the Air Force have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States; (d) provides for sufficient numbers of regular members of the Air Force to provide a base of trained personnel from which the personnel of the reserve components of the Air Force could be recruited; (e) maintains a peacetime rotation force to support operational tempo goals of 1:2 for regular members of the Air Forces and 1:5 for members of the reserve components of the Air Force; and (f) maximizes and appropriately balances affordability, efficiency, effectiveness, capability, and readiness.

Dated: December 11, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013–29793 Filed 12–13–13; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2013–ICCD–0126]**

## Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Alternative Student Outcomes for Growth Measures Case Studies

**AGENCY:** Institute of Education Sciences/National Center for Education Statistics (IES), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

**DATES:** Interested persons are invited to submit comments on or before January 15, 2014.

**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–0126 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:** For questions related to collection activities or burden, please call Kathy Axt, 540–776–7742 or electronically mail *ICDocketMgr@ed.gov*. Please do not send comments here. We will ONLY accept comments in this mailbox when the regulations.gov site is not available to the public for any reason.

**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:* Alternative Student Outcomes for Growth Measures Case Studies.

*OMB Control Number:* 1850–NEW.

*Type of Review:* New collection.

*Respondents/Affected Public:* Individuals or households.

*Total Estimated Number of Annual Responses:* 182.

*Total Estimated Number of Annual Burden Hours:* 364.

*Abstract:* This submission is a request for approval of data collection activities that will be used to support the Mid-Atlantic Regional Educational Laboratory (REL) Alternative Student Outcomes for Growth Measures Case Studies. The study is being funded by the Institute of Education Sciences (IES) U.S. Department of Education and is being implemented by ICF International and its subcontractor, Mathematica Policy Research. This submission requests approval to recruit districts for the study and conduct in person and telephone interviews with staff in participating districts.

This study aims to fill the gap in information available to districts and policymakers on measures of student growth that do not use state standardized tests via qualitative case studies of up to nine districts that are using alternative measures of student achievement growth in teacher performance ratings. The studies will address what alternative measures of student achievement growth in teacher performance ratings. The case studies will address what alternative outcome measures are used, how the alternative growth measures are implemented, challenges and obstacles in implementation, how the measures are being used. Where possible, the Department will examine the extent of differentiation produced by the measures—specifically, the distribution of teacher performance on the measures, as compared with the distribution of teacher performance on conventional value added measures that are based on state assessments. The Department will conduct semi-structured interviews with district administrators leading teacher evaluation or effectiveness efforts, teacher representatives (such as union leaders), teachers (including both classroom teachers and instructional coaches), and principals. The data collected will be summarized and analyzed using a case study approach.

**Kate Mullan,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2013–29768 Filed 12–13–13; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

### Applications for New Awards; National Institute on Disability and Rehabilitation Research—Small Business Innovation Research Program—Phase I

**AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), Department of Education.

**ACTION:** Notice.

*Overview Information:* National Institute on Disability and Rehabilitation Research (NIDRR)—Small Business Innovation Research Program (SBIR)—Phase I Notice inviting applications for new awards for fiscal year (FY) 2014.

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.133S–1.

**DATES:** *Applications Available:* December 16, 2013.

*Deadline for Transmittal of Applications:* February 14, 2014.

**Full Text of Announcement**

**I. Funding Opportunity Description**

*Purpose of Program:* The purpose of the SBIR program is four-fold:

- Stimulate technological innovation in the private sector.
- Encourage participation in innovation and entrepreneurship by socially and economically disadvantaged persons.
- Strengthen the role of small business in meeting Federal research and development (R&D) needs.
- Increase private-sector commercialization of innovations derived from U.S. Department of Education (Department) R&D funding.

*Background*

The Small Business Innovation Development Act of 1982 (Act), Pub. L. 97–219, established the SBIR program. The Act requires certain agencies, including the Department, to reserve a statutory percentage of their extramural R&D budgets for two phases of the three-phase SBIR program (see *http://sbir.gov/about/about-sbir* for more information on the program).

Phase I awards are to determine, insofar as possible, the scientific or technical merit, feasibility, and commercial potential of R&D projects submitted under the SBIR program. Phase I awards are for amounts up to $75,000 and for a period of up to six months. Phase II projects continue the development of Phase I projects. Funding is based on the results achieved in Phase I and the scientific and technical merit and commercial potential of the proposed Phase II project. Only Phase I grantees are eligible to apply for Phase II funding. Phase II awards are for amounts up to $575,000 over a period of two years.

In Phase III, the small business grantee pursues commercial applications of the Phase I and II R&D. The SBIR program does not fund Phase III.

All SBIR projects funded by NIDRR must address the needs of individuals with disabilities. (See 29 U.S.C. 760.) Project activities may include:

- Conducting manufacturing-related R&D that encompasses improvements in existing methods or processes, or wholly new processes, machines, or systems, that benefit individuals with disabilities;
- Exploring the uses of technology to ensure equal access to education, employment, community environments, and information for individuals with disabilities; and
- Improving the quality and utility of disability and rehabilitation research.

Executive Order 13329 states that continued technological innovation is critical to a strong manufacturing sector in the United States economy and seeks to ensure that Federal agencies assist the private sector in its manufacturing innovation efforts. The Department's SBIR program encourages innovative R&D projects that are manufacturing-

related, as defined by Executive Order 13329.

Manufacturing-related R&D encompasses improvements in existing methods and processes, as well as wholly new processes, machines, and systems. The Department's SBIR program supports a range of manufacturing-related R&D projects, including projects relating to the manufacture of such items as artificial intelligence and information technology devices, software, and systems. For more information on Executive Order 13329, please visit the following Web site: *www.sba.gov/content/executive-order-13329-encouraging-innovation-manufacturing-0* or contact Vanessa Tesoriero at: *vanessa.tesoriero@ed.gov*.

**Note:** An applicant should consult NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (78 FR 20299) (the Plan) when preparing its application. The Plan is organized around the following research domains: (1) Community Living and Participation; (2) Health and Function; and (3) Employment.

*Priorities:* Under this competition we are particularly interested in applications that address one or more of the following five priorities.

*Invitational Priorities:* For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets one of these invitational priorities a competitive or absolute preference over other applications.

Each of the following invitational priorities relates to innovative research utilizing new technologies to address the needs of individuals with disabilities. These priorities are:

(1) Increased independence of individuals with disabilities in community settings, including educational settings, through the development of technology to support access to these settings and promote integration of individuals with disabilities.

(2) Enhanced sensory or motor function of individuals with disabilities through the development of technology to support improved functional capacity.

(3) Enhanced workforce participation through the development of technology to increase access to employment, promote sustained employment, and support employment advancement for individuals with disabilities.

(4) Enhanced community living and participation for individuals with disabilities through the development of accessible information technology including cloud computing, software, systems, and devices that promote access to information in educational, employment, and community settings, and voting technology that improves access for individuals with disabilities.

(5) Improved health-care interventions and increased use of related resources through the development of technology to support independent access to community health-care services for individuals with disabilities.

Applicants should describe the approaches they expect to use to collect empirical evidence demonstrating the effectiveness of the technology they are proposing. This empirical evidence should facilitate the assessment of the efficacy and usefulness of the technology.

**Note:** In responding to all invitational priorities, NIDRR encourages applicants to adhere to universal design principles and guidelines. The term ''universal design'' is defined as ''the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design'' (The Center for Universal Design, 1997). Universal design of consumer products minimizes or alleviates barriers that reduce the ability of individuals with disabilities to effectively or safely use standard consumer products. (For more information see: *www.trace.wisc.edu/docs/consumer_product_guidelines/consumer.pcs/disabil.htm*).

**Program Authority:** The Small Business Innovation Development Act of 1982, Pub. L. 97–219, as amended (15 U.S.C. 631 and 638), and title II of the Rehabilitation Act of 1973, as amended (29 U.S.C. 760 et seq.).

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 81, 82, 84, and 97. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* The Administration has requested $110,000,000 for awards for NIDRR programs for FY 2014, of which we intend to use an estimated $750,000 for the SBIR Phase I competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

**Note:** The estimated amount of funds available for new Phase I awards is based upon the estimated SBIR allocation for OSERS, minus prior commitments for Phase II continuation awards.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2014 from the list of approved but unfunded applicants from this competition.

*Estimated Range of Awards:* $70,000–$75,000.

*Estimated Average Size of Awards:* $75,000.

*Maximum Award:* We will reject any application that proposes a budget exceeding $75,000 for a single budget period of up to six months. The Assistant Secretary for the Office of Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

**Note:** The maximum award amount includes direct and indirect costs and fees.

*Estimated Number of Awards:* 10.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 6 months. We will reject any application that proposes a project period that exceeds a single budget period of up to six months. The Assistant Secretary for the Office of Special Education and Rehabilitative Services may change the project period through a notice published in the **Federal Register**.

## III. Eligibility Information

1. *Eligible Applicants:* Entities that are, at the time of award, small business concerns as defined by the Small Business Administration (SBA). This definition is included in the application package.

If it appears that an applicant organization does not meet the eligibility requirements, we will request an evaluation by the SBA. Under circumstances in which eligibility is unclear, we will not make an SBIR award until the SBA makes a determination that the applicant is eligible under its definition of small business concern.

Technology, science, and engineering firms with strong research capabilities in any of the priority areas listed in this notice are encouraged to participate. Consultative or other arrangements between these firms and universities or other nonprofit organizations are permitted, but the small business concern must serve as the grantee. For Phase I projects, at least two-thirds of the research or analytic activities must be performed by the small business concern grantee.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other:* The total of all consultant fees, facility leases or usage fees, and other subcontracts or purchase agreements may not exceed one-third of the total funding award.

## IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.133S–1.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the team listed under *Accessible Format* in section VIII of this notice.

2. a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

*Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to the equivalent of no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. You are not required to double space titles, headings, footnotes, references, captions, or text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; the one-page abstract, the resumes, the bibliography, or the letters of support; related applications or awards; or the documentation of previous Phase II awards (required only if the small business concern has received more than 15 Phase II awards in the prior five fiscal years). However, the page limit does apply to all of the application narrative section.

We will reject your application if you exceed the page limit or if you apply other standards and exceed the equivalent of the page limit.

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the SBIR program, your application may include business information that you consider proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Because we plan to publicly highlight success stories on our Web site, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

*Applications Available:* December 16, 2013.

*Deadline for Transmittal of Applications:* February 14, 2014.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

5. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

6. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

7. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov. and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any

changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your SAM registration annually. This may take three or more business days.

Information about SAM is available at www.SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/applicants/get_registered.jsp.*

8. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the SBIR Program, CFDA number 84.133S–1, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the SBIR Program at www.Grants.gov. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133S).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at www.G5.gov.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

*Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The

Department will contact you after a determination is made on whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

*9. Exception to Electronic Submission Requirement:* You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202–2700. FAX: (202) 245–7323.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133S–1), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133S–1), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260,

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 350.54 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements

in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through a review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine:

- The number of products (e.g., new or improved tools, methods, discoveries, standards, interventions, programs, or devices developed or tested with NIDRR funding) that have been judged by expert panels to be of high quality and to advance the field.

## VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: *patricia.barrett@ed.gov.*

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

## VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: December 11, 2013.

**Michael K. Yudin,**

*Acting Assistant, Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2013–29824 Filed 12–13–13; 8:45 am]

**BILLING CODE 4000–01–P**

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# DEPARTMENT OF EDUCATION

## Application for New Awards; High School Equivalency Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

## Overview Information

High School Equivalency Program (HEP).

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.141A.

**DATES:**

*Applications Available:* December 19, 2013.

*Deadline for Transmittal of Applications:* February 19, 2014.

*Deadline for Intergovernmental Review:* April 20, 2014.

## Full Text of Announcement

## I. Funding Opportunity Description

*Purpose of Program:* The purposes of HEP are to help migrant and seasonal farmworkers and members of their immediate family: (1) Obtain a general education diploma that meets the guidelines for high school equivalency (HSE) established by the State in which the HEP project is conducted; and (2) gain employment or be placed in an institution of higher education (IHE) or other postsecondary education or training.

*Priorities:* This competition includes one competitive preference priority and two invitational priorities. In accordance with 34 CFR 75.105(b)(2)(iv), the competitive preference priority is from section 418A(e) of the Higher Education Act of 1965, as amended by section 408 of the Higher Education Opportunity Act of 2008 (20 U.S.C. 1070d–2(e)). The second priority is an invitational priority for applications that promote science, technology, engineering, and mathematics (STEM) education. The third priority is an invitational priority for applications that propose to engage faith-based and community organizations in the delivery of services under this program.

*Competitive Preference Priority:* For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award up to 15 additional points to an application, depending on how well the applicant meets this priority. The maximum amount of competitive preference points an application can receive under this competition is 15 points.

This priority is:

*Prior Experience of Service Delivery*

For applicants with an expiring HEP project, the Secretary will consider the applicant's prior experience in implementing its expiring HEP project, based on information contained in documents previously provided to the Department, such as annual performance reports, project evaluation reports, site visit reports, and the previously approved HEP application.

Under this competition, we also are particularly interested in applications that address the following priorities.

*Invitational Priorities:* For FY 2014, and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

*Invitational Priority 1—Science, Technology, Engineering and Mathematics Education (STEM)*

Projects that are designed to address one or more of the following priority areas:

(a) Providing students with increased access to rigorous and engaging coursework in STEM.

(b) Increasing the opportunities for high-quality preparation of, or professional development for, teachers or other educators of STEM subjects.

**Note:** Applicants could consider activities to better prepare program participants to transition into postsecondary education, such

as preparing students to pass the sections of college entrance examinations in STEM-related subjects or mentoring, counseling, and tutoring services designed to motivate participants to pursue postsecondary education in STEM-related fields. Similarly, for demonstrating professional development, applicants could propose how they intend to increase and improve the opportunities for professional development for project instructors in mathematics and related HSE instruction.

*Invitational Priority 2—Faith-Based and Community Organizations*

Applications that propose to engage faith-based and community organizations in the delivery of services under this program.

**Program Authority:** 20 U.S.C. 1070d–2.

*Applicable Regulations:* (a) The Education Department General Education Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 84, 85, 86, 97, 98 and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 206. (d) The definitions of ''migratory agricultural worker'' in 34 CFR 200.81(d), ''migratory child'' in 34 CFR 200.81(e), and ''migratory fisher'' in 34 CFR 200.81(f). (e) The regulations in 20 CFR 669.110 and 669.320.

**Note:** The regulations in 34 CFR part 86 apply to IHEs only.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* The Administration has requested $5,855,833 for new awards for this program for FY 2014. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications at this time to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 from the list of unfunded applicants from this competition.

*Estimated Range of Awards:* $180,000–$475,000.

*Estimated Average Size of Awards:* $447,488.

*Maximum Award:* We will reject any application that proposes a HEP award exceeding $475,000 for any of the five single budget periods of 12 months. The Assistant Secretary for Elementary and Secondary Education may change the maximum amount through a notice published in the **Federal Register**.

*Minimum Award:* We will reject any application that proposes a HEP award that is less than $180,000 for any of the five single budget periods of 12 months.

*Estimated Number of Awards:* 13.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 60 months.

## III. Eligibility Information

1. *Eligible Applicants:* IHEs or private non-profit organizations (including faith-based organizations) that plan their projects in cooperation with an IHE and propose to operate some aspects of the project with the facilities of the IHE.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching. However, consistent with 34 CFR 75.700, which requires an applicant to comply with its approved application, an applicant that proposes to contribute non-Federal matching funds and is awarded a grant must provide those funds for each year that the funds are proposed.

3. *Other:* Projects funded under this competition are encouraged to budget for a two-day Office of Migrant Education annual meeting for HEP Directors in the Washington, DC area during each year of the project period.

## IV. Application and Submission Information

1. *Address to Request Application Package:* Tara Ramsey, U.S. Department of Education, Office of Migrant Education, 400 Maryland Avenue SW., room 3E309, Washington, DC 20202–6135. Telephone: (202) 260–2063 or by email: *tara.ramsey@ed.gov.*

The application package content also can be viewed electronically at the following address: *http://www.ed.gov/programs/hep/applicant.html.*

If you use a telecommunications device for the deaf (TDD) or text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Page Limit: The application narrative (Part IV of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Panel readers will award points only for an applicant's response to a given selection criterion that is contained within the section of the application designated to address that particular selection criterion. Readers will not review, or award points for responses to a given selection criterion that is located in any other section of the application or the appendices. You must limit the application narrative [Part IV] to no more than 25 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions. However, you may single space all text in charts, tables, figures, and graphs. Charts, tables, figures, and graphs presented in the application narrative count toward the page limit.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch) throughout the entire application package.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The 25-page limit for the project narrative does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract. However, the page limit does apply to all of the application narrative section.

Our reviewers will not read any pages of your application narrative that exceed the 25-page limit.

Appendices must be limited to 20 pages and must include the following: resumes and job descriptions of key personnel. Job descriptions must include duties and minimum qualifications. Items in the appendices will only be used by the program office.

3. *Submission Dates and Times:*

Applications Available: December 19, 2013.

Deadline for Transmittal of Applications: February 19, 2014.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: April 20, 2014.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/applicants/get_registered.jsp.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

*a. Electronic Submission of Applications*

Applications for grants under the High School Equivalency Program, CFDA number 84.141A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for HEP at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.141, not 84.141A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *http://www.G5.gov.*
- You will not receive additional point value because you submit your

application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

*Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

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- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

*and*

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Tara Ramsey, U.S. Department of Education, 400 Maryland Avenue SW., room 3E309, Washington, DC 20202–6135. FAX: (202) 205–0089.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

*b. Submission of Paper Applications by Mail*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.141A, LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

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**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

*c. Submission of Paper Applications by Hand Delivery*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.141A, 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 of EDGAR and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 and 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department developed the following performance measures to evaluate the overall effectiveness of HEP: (1) the percentage of HEP program participants exiting the program having received a HSE diploma (GPRA 1), and (2) the percentage of HSE diploma recipients who enter postsecondary education or training programs, upgraded employment, or the military (GPRA 2).

Applicants must propose annual targets for these measures in their applications. The national target for GPRA measure 1 for FY 2014 is that 69 percent of HEP program participants exiting the program having received a HSE credential. The national target for GPRA measure 2 for FY 2014 is that 80 percent of HEP HSE diploma recipients will enter postsecondary education or training programs, upgraded employment, or the military. The national targets for subsequent years may be adjusted based on additional baseline data. The panel readers will score related selection criteria on the basis of how well an applicant addresses these GPRA measures. Therefore, applicants will want to consider how to demonstrate a sound capacity to provide reliable data on the GPRA measures, including the project's annual performance targets for addressing the GPRA performance measures, as is required by the Office of Management and Budget approved annual performance report that is included in the application package. All grantees will be required to submit, as part of their annual performance report, information with respect to these GPRA performance measures.

5. *Continuation Awards:* In making a continuation award, the Secretary considers, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Tara Ramsey, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E309, LBJ, Washington, DC 20202–6135. Telephone: (202) 260–2063 or by email: *tara.ramsey@ed.gov*.

If you use a TDD or TYY, call the FRS, toll free, at 1–800–877–8339.

## VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package 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** in section VII of this notice.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF). To use PDF you must

have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: December 11, 2013.

**Deborah S. Delisle,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2013–29823 Filed 12–13–13; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

## Applications for New Awards; National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice.

Overview Information: National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers (RERCs)—Information and Communication Technologies Access and Rehabilitation Strategies, Techniques, and Interventions Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.133E–1 and 84.133E–3.

**Note:** This notice invites applications for two separate competitions. For funding and other key information for each of the two competitions, see the chart in the *Award Information* section of this notice.

**DATES:**

*Applications Available:* December 16, 2013.

*Date of Pre-Application Meeting:* January 6, 2014.

*Deadline for Notice of Intent To Apply:* January 13, 2014.

*Deadline for Transmittal of Applications:* February 14, 2014.

**Full Text of Announcement**

### I. Funding Opportunity Description

*Purpose of Program:* The purpose of the Disability and Rehabilitation Research Projects and Centers Program (Program) is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology. The Program's activities are designed to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

*Rehabilitation Engineering Research Centers Program*

The purpose of the RERCs program, which is funded through the Program, is to improve the effectiveness of services authorized under the Rehabilitation Act. The RERCs program encourages advanced engineering research, develops and evaluates innovative technologies, facilitates service delivery system changes, stimulates the production and distribution of new technologies and equipment in the private sector, and provides training opportunities. RERCs seek to solve rehabilitation problems and remove environmental barriers to improvements in employment, community living and participation, and health and function outcomes of individuals with disabilities.

The general requirements for RERCs are set out in subpart D of 34 CFR part 350 (What Rehabilitation Engineering Research Centers Does the Secretary Assist?).

Additional information on the RERCs program can be found at: *www.ed.gov/rschstat/research/pubs/index.html.*

*Priorities:* NIDRR has established two priorities for the two competitions announced in this notice. These priorities are from the notice of final priorities for this program, published in the **Federal Register** on June 11, 2013 (78 FR 34897).

*Absolute Priorities:* For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from these competitions, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), for each competition, we consider only applications that meet the absolute priority designated for that competition.

These priorities are:

| Absolute priority | Corresponding competition CFDA No. |
|---|---|
| Information and Communication Technologies Access | 84.133E–1 |
| Rehabilitation Strategies, Techniques, and Interventions | 84.133E–3 |

**Note:** The full text of these priorities is included in the notice of final priorities published in the **Federal Register** on June 11, 2013 (78 FR 34897) and in the applicable application package.

**Program Authority:** 29 U.S.C. 762(g) and 764(b)(3)(A).

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 86, and 97. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 350. (d) The notice of final priorities for this program, published in the **Federal Register** on June 11, 2013 (78 FR 34897).

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

### II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* The Administration has requested $110,000,000 for the NIDRR program for FY 2014, of which we intend to use an estimated $1,900,000 for the RERC competitions. See chart. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

*Maximum Award:* See chart.

*Estimated Number of Awards:* See chart.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* See chart.

| CFDA No. and name | Applications available | Deadline for transmittal of applications | Estimated available funds [1] | Maximum award amount (per year) [2 3] | Estimated number of awards | Project Period (months) |
|---|---|---|---|---|---|---|
| 84.133E–1, Information and Communication Technologies Access. | December 16, 2013 | February 14, 2014 | $950,000 | $950,000 | 1 | 60 |
| 84.133E–3, Rehabilitation Strategies, Techniques, and Interventions. | December 16, 2013 | February 14, 2014 | $950,000 | $950,000 | 1 | 60 |

## III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

## IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html*. To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov*.

If you request an application from ED Pubs, be sure to identify this program as follows: CFDA number 84.133E–1 or 84.133E–3.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for each competition announced in this notice.

*Notice of Intent To Apply:* Due to the broad nature of the priorities in these competitions, and to assist with the selection of reviewers for these competitions, NIDRR requests that all potential applicants submit a letter of intent (LOI). The submission is not mandatory and the content of the LOI will not be peer reviewed or otherwise used to rate an applicant's application.

Each LOI should be limited to a maximum of four pages and include the following information: (1) The priority to which the potential applicant is responding; (2) the title of the proposed project, the name of the applicant, the name of the Project Director or Principal Investigator (PI), and the names of partner institutions and entities; (3) a brief statement of the vision, goals, and objectives of the proposed project and a description of its proposed activities at a sufficient level of detail to allow NIDRR to select potential peer reviewers; (4) a list of proposed project staff including the Project Director or PI and key personnel; (5) a list of individuals whose selection as a peer reviewer might constitute a conflict of interest due to involvement in proposal development, selection as an advisory board member, co-PI relationships, etc.; and (6) contact information for the Project Director or PI. Submission of an LOI is not a prerequisite for eligibility to submit an application.

NIDRR will accept the optional LOI via mail (through the U.S. Postal Service or commercial carrier) or email, by January 13, 2014. The LOI must be sent to: Patricia Barrett, U.S. Department of Education, 550 12th Street SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202; or by email to: *patricia.barrett@ed.gov*.

For further information regarding the LOI submission process, contact Patricia Barrett at (202) 245–6211.

*Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A ''page'' is 8.5″ × 11,″ on one side only, with 1'' margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative section (Part III).

An applicant should consult NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (78 FR 20299) (Plan) when preparing its application. The Plan is organized around the following research domains: (1) Community Living and Participation; (2) Health and Function; and (3) Employment.

3. *Submission Dates and Times: Applications Available:* December 16, 2013.

*Date of Pre-Application Meeting:* Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held on January 6, 2014. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information

[1] Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2014 or any subsequent year from the list of unfunded applicants from this competition.

[2] We will reject any application that proposes a budget exceeding the maximum amount. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

[3] The maximum amount includes both direct and indirect costs.

and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or to arrange for an individual consultation, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

*Deadline for Notice of Intent To Apply:* January 13, 2014.

*Deadline for Transmittal of Applications:* February 14, 2014.

Applications for grants under the competitions announced in this notice must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.

7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov. and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov*. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at *http://www2.ed.gov/fund/grant/apply/sam-faqs.html*.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/applicants/get_registered.jsp*.

7. *Other Submission Requirements:* Applications for grants under the competitions announced in this notice must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the RERC competitions (CFDA numbers 84.133E–1 and 84.133E–3) must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access an electronic grant application for the RERC competitions (CFDA numbers 84.133E–1 and 84.133E–3) at *www.Grants.gov*. You must search for the downloadable application package for the applicable competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133E).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors,

including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for the competition under which you are applying to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

*Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

*Exception to Electronic Submission Requirement:* You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

*and*

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202–2700. FAX: (202) 245–7323.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.* If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133E–1 or 84.133E–3), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133E–1 or 84.133E–3), 550 12th Street SW., Room 7041, PCP, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the program under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for the competitions announced in this notice are from 34 CFR 350.54 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through a review of grantee performance and accomplishments. Each year, NIDRR examines a portion of its grantees to determine:

- The number of accomplishments (e.g., new or improved tools, methods, discoveries, standards, interventions, programs, or devices developed or tested with NIDRR funding) that have been judged by expert panels to be of high quality and to advance the field.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.
- The percentage of new NIDRR grants that assess the effectiveness of interventions, programs, and devices using rigorous methods.

For these reviews, NIDRR uses information submitted by grantees as part of their Annual Performance Reports.

Department of Education program performance reports, which include information on NIDRR programs, are available on the Department's Web site: *www.ed.gov/about/offices/list/opepd/sas/index.html.*

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: *patricia.barrett@ed.gov.*

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

## VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW.,

Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: December 11, 2013.

**Michael K. Yudin,**

*Acting Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2013–29820 Filed 12–13–13; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

## Application for New Awards; College Assistance Migrant Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

### Overview Information

College Assistance Migrant Program (CAMP). Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.149A.

**DATES:**

*Applications Available:* December 19, 2013.

*Deadline for Transmittal of Applications:* February 19, 2014.

*Deadline for Intergovernmental Review:* April 20, 2014.

### Full Text of Announcement

### I. Funding Opportunity Description

*Purpose of Program:* The purpose of CAMP is to provide academic and financial support to help migrant and seasonal farmworkers and members of their immediate family complete their first year of college and continue in postsecondary education.

*Priorities:* This competition includes one competitive preference priority and two invitational priorities. In accordance with 34 CFR 75.105(b)(2)(iv), the competitive preference priority is from section 418A(e) of the Higher Education Act of 1965, as amended by section 408 of the Higher Education Opportunity Act of 2008 (20 U.S.C. 1070d–2(e)). The second priority is an invitational priority for applications that promote science, technology, engineering, and mathematics (STEM) education. The third priority is an invitational priority for applications that propose to engage faith-based and community organizations in the delivery of services under this program.

*Competitive Preference Priority:* For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award up to 15 additional points to an application, depending on how well the applicant meets this priority. The maximum amount of competitive preference points an application can receive under this competition is 15 points.

This priority is:

*Prior Experience of Service Delivery*

For applicants with an expiring CAMP project, the Secretary will consider the applicant's prior experience in implementing its expiring CAMP project, based on information contained in documents previously provided to the Department, such as annual performance reports, project evaluation reports, site visit reports, and the previously approved CAMP application.

Under this competition, we also are particularly interested in applications that address the following priorities.

*Invitational Priorities:* For FY 2014, and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1), we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

*Invitational Priority 1—Science, Technology, Engineering and Mathematics Education (STEM)*

Projects that are designed to address one or more of the following priority areas:

(a) Providing students with increased access to rigorous and engaging coursework in STEM.

(b) Increasing the number and proportion of students prepared for postsecondary or graduate study and careers in STEM, with a specific focus on an increase in the number and proportion of students so prepared who are from groups traditionally underrepresented in STEM careers, including minorities, individuals with disabilities, and women.

**Note:** Applicants could consider increasing participants' access to studies in STEM through such activities as mentoring, counseling, and tutoring in ways that motivate participants to pursue postsecondary education in the areas of STEM. Similarly, applicants could consider increasing students' preparedness for study and careers in STEM through activities such as referrals to STEM-oriented work-based learning experiences, exposure to academic programs and careers in STEM-related fields, and providing support services. These could include services to improve participants' academic skills and knowledge so that they may pursue studies and careers in STEM-related fields.

*Invitational Priority 2—Faith-Based and Community Organizations*

Applications that propose to engage faith-based and community organizations in the delivery of services under this program.

**Program Authority:** 20 U.S.C. 1070d–2.

*Applicable Regulations:* (a) The Education Department General Education Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 84, 85, 86, 97, 98 and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 206. (d) The definitions of ''migratory agricultural worker'' in 34 CFR 200.81(d), ''migratory child'' in 34 CFR 200.81(e), and ''migratory fisher'' in 34 CFR 200.81(f). (e) The regulations in 20 CFR 669.110 and 669.320.

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

### II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* The Administration has requested $4,869,853 for new awards for this program for FY 2014. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications at this time to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 from the list of unfunded applicants from this competition.

*Estimated Range of Awards:* $180,000–$425,000.

*Estimated Average Size of Awards:* $387,266.

*Maximum Award:* We will reject any application that proposes a budget exceeding $425,000 for any of the five single budget periods of 12 months. The Assistant Secretary for Elementary and Secondary Education may change the maximum amount through a notice published in the **Federal Register**.

*Minimum Award:* We will reject any application that proposes a CAMP award that is less than $180,000 for any of the five single budget periods of 12 months.

*Estimated Number of Awards:* 12.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 60 months.

## III. Eligibility Information

1. *Eligible Applicants:* IHEs or private non-profit organizations (including faith-based organizations) that plan their projects in cooperation with an IHE and propose to operate some aspects of the project with the facilities of the IHE.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching. However, consistent with 34 CFR 75.700, which requires an applicant to comply with its approved application, an applicant that proposes to contribute non-Federal matching funds and is awarded a grant must provide those funds for each year that the funds are proposed.

3. *Other:* Projects funded under this competition are encouraged to budget for a two-day Office of Migrant Education annual meeting for CAMP directors in the Washington, DC area during each year of the project period.

## IV. Application and Submission Information

1. *Address to Request Application Package:* Nathan Weiss, U.S. Department of Education, Office of Migrant Education, 400 Maryland Avenue SW., Room 3E321, Washington, DC 20202–6135. Telephone: (202) 260–7496 or by email: *nathan.weiss@ed.gov.*

The application package content also can be viewed electronically at the following address: *http://www.ed.gov/programs/camp/applicant.html.*

If you use a telecommunications device for the deaf (TDD) or text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

*Page Limit:* The application narrative (Part IV of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Panel readers will award points only for an applicant's response to a given selection criterion that is contained within the section of the application designated to address that particular selection criterion. Readers will not review, or award points for responses to a given selection criterion that is located in any other section of the application or the appendices. You must limit the application narrative [Part IV] to no more than 25 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions. However, you may single space all text in charts, tables, figures, and graphs. Charts, tables, figures, and graphs presented in the application narrative count toward the page limit.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch) throughout the entire application package.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted. The 25-page limit for the project narrative does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract. However, the page limit does apply to all of the application narrative section.

Our reviewers will not read any pages of your application narrative that exceed the 25-page limit.

Appendices must be limited to 20 pages and must include the following: Resumes and job descriptions of key personnel. Job descriptions must include duties and minimum qualifications. Items in the appendices will only be used by the program office.

3. *Submission Dates and Times:*

*Applications Available:* December 19, 2013.

*Deadline for Transmittal of Applications:* February 19, 2014.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

*Deadline for Intergovernmental Review:* April 20, 2014.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review

by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov*. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html*.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/applicants/get_registered.jsp*.

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

*a. Electronic Submission of Applications*

Applications for grants under the CAMP, CFDA number 84.149A must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the CAMP at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.149, not 84.149A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *http://www.G5.gov*.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

*Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are

experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

*Exception to Electronic Submission Requirement:* You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

*and*

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Nathan Weiss, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E321, LBJ, Washington, DC 20202–6135. FAX: (202) 205–0089.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

*b. Submission of Paper Applications by Mail*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.149A, LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

*c. Submission of Paper Applications by Hand Delivery*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.149A, 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 of EDGAR and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system

that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html*.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department developed the following performance measures to evaluate the overall effectiveness of the CAMP: (1) The percentage of CAMP participants completing the first academic year of their postsecondary program, and (2) the percentage of CAMP participants who, after completing the first academic year of college, continue their postsecondary education.

Applicants must propose annual targets for these measures in their applications. The national target for GPRA measure 1 for FY 2014 is that 86 percent of CAMP participants will complete the first academic year of their postsecondary program. The national target for GPRA measure 2 for FY 2014 is that 85 percent of CAMP participants continue their postsecondary education after completing the first academic year of college. The national targets for subsequent years may be adjusted based on additional baseline data. The panel readers will score related selection criteria on the basis of how well an applicant addresses these GPRA measures. Therefore, applicants will want to consider how to demonstrate a sound capacity to provide reliable data on GPRA measures, including the project's annual performance targets for addressing the GPRA performance measures, as is required by the Office of Management and Budget approved annual performance report that is included in the application package. All grantees will be required to submit, as part of their annual performance report, information with respect to these GPRA performance measures.

5. *Continuation Awards:* In making a continuation award, the Secretary considers, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Nathan Weiss, U.S. Department of Education, Office of Migrant Education, 400 Maryland Avenue SW., Room 3E321, Washington, DC 20202–6135. Telephone Number: (202) 260–7496, or by email: *nathan.weiss@ed.gov*.

If you use a TDD or a TYY, call the FRS, toll free, at 1–800–877–8339.

## VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package 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** in section VII of this notice.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: December 11, 2013.

**Deborah S. Delisle,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2013–29821 Filed 12–13–13; 8:45 am]

**BILLING CODE 4000–01–P**

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## DEPARTMENT OF ENERGY

### Extension of Public Comment Period for the Champlain Hudson Power Express Transmission Line Project Draft Environmental Impact Statement

**AGENCY:** Department of Energy.

**ACTION:** Extension of the public comment period.

**SUMMARY:** The U.S. Department of Energy (DOE) is extending the public comment period for *the Champlain Hudson Power Express Transmission Line Project Draft Environmental Impact Statement* (DOE/EIS–0447). The Draft EIS evaluates the environmental impacts of DOE's proposed Federal action of issuing a Presidential permit to the Applicant, Champlain Hudson Power Express, Inc. (CHPEI), to construct, operate, maintain, and connect a new electric transmission line across the U.S./Canada border in northeastern New York State.

**DATES:** The ongoing public comment period which opened on November 1, 2013, will remain open until January 15, 2014, an extension of 30 days.

**ADDRESSES:** Written comments on the Draft EIS may be provided on the CHPE EIS Web site at *http://www.chpexpresseis.org* (preferred) or addressed to Mr. Brian Mills, Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; by electronic mail to *Brian.Mills@hq.doe.gov;* or by facsimile to 202–318–7761.

*Availability of the Draft EIS:* Copies of the Draft EIS have been distributed to appropriate members of Congress, state and local government officials, American Indian tribal governments, and other Federal agencies, groups, and interested parties. Printed copies of the document may be obtained by contacting Mr. Mills at the above address. Copies of the Draft EIS and supporting documents are also available for inspection at the following locations:

- Queens Library—Steinway, 21–45 31 Street (Ditmars Boulevard), Long Island City, NY 11102
- Yonkers Public Library—Riverfront Library, 1 Larkin Center, Yonkers, New York 10701
- Rose Memorial Library, 79 East Main Street, Stony Point, NY 10980
- Kingston Public Library, 55 Franklin Street, Kingston, NY 12401
- Schenectady County Public Library, 99 Clinton Street, Schenectady, NY 12305
- Crandall Public Library, 251 Glen Street, Glens Falls, NY 12801
- Plattsburgh Public Library, 19 Oak Street, Plattsburgh, NY 12901

The Draft EIS is also available on the EIS Web site at *http://chpexpresseis.org* and on the DOE NEPA Web site at *http://nepa.energy.gov/*.

Issued in Washington, DC, on December 11, 2013.

**Brian Mills,**

*NEPA Compliance Officer, Office of Electricity Delivery and Energy Reliability.*

[FR Doc. 2013–29789 Filed 12–13–13; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers: ER11–4027–003; ER11–4028–003.*

*Applicants:* James River Genco, LLC, Portsmouth Genco, LLC.

*Description: Notice of Non-Material Change in Status of James River Genco, LLC, et. al.*

*Filed Date:* 12/5/13.

*Accession Number:* 20131205–5177.

*Comments Due:* 5 p.m. ET 12/26/13.

*Docket Numbers:* ER14–318–001.

*Applicants:* The Connecticut Light and Power Company.

*Description: LCRA with CMEEC Amended to be effective 1/1/2014.*

*Filed Date:* 12/6/13.

*Accession Number:* 20131206–5087.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14–319–001.

*Applicants:* Public Service Company of New Hampshire.

*Description: Localized Cost Responsibility Agreement with CTMEEC Amended to be effective 1/1/2014.*

*Filed Date:* 12/6/13.

*Accession Number:* 20131206–5119.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14–320–001.

*Applicants:* Western Massachusetts Electric Company.

*Description: Localized Cost Responsibility Agreement with CTMEEC Amended to be effective 1/1/2014.*

*Filed Date:* 12/6/13.

*Accession Number:* 20131206–5112.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14–538–000.

*Applicants:* Ameren Illinois Company.

*Description: Sectionalizing Switch Replacement Letter Agreement with NEC to be effective 12/5/2013.*

*Filed Date:* 12/5/13.

*Accession Number:* 20131205–5146.

*Comments Due:* 5 p.m. ET 12/26/13.

*Docket Numbers:* ER14–539–000.

*Applicants:* Arizona Public Service Company.

*Description: Cancellation—Service Agreement No. 327 between APS and the City of Azusa to be effective 12/31/2013.*

*Filed Date:* 12/6/13.

*Accession Number:* 20131206–5075.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14–540–000.

*Applicants:* Arizona Public Service Company.

*Description: APS Service Agreement No. 329—Azusa Simultaneous Exchange to be effective 2/5/2014.*

*Filed Date:* 12/6/13.

*Accession Number:* 20131206–5078.

*Comments Due:* 5 p.m. ET 12/27/13

*Docket Numbers:* ER14–541–000.

*Applicants:* Public Service Company of New Mexico.

*Description: Order No. 784 Compliance Filing to be effective 11/27/2013.*

*Filed Date:* 12/6/13.

*Accession Number:* 20131206–5099.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14–542–000.

*Applicants:* Midcontinent Independent System Operator, Wolverine Power Supply Cooperative, Inc.

*Description: 12–06–2013 SA 1316 Wolverine Grand Traverse IFA to be effective 11/8/2013.*

*Filed Date:* 12/6/13.

*Accession Number:* 20131206–5120.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14–543–000.

*Applicants:* Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

*Description: Amendment of Niagara Mohawk's Wholesale TSC in the NYISO OATT to be effective 7/1/2013.*

*Filed Date:* 12/6/13.

*Accession Number:* 20131206–5130.

*Comments Due:* 5 p.m. ET 12/27/13.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES14–13–000.

*Applicants:* KCP&L Greater Missouri Operations Company.

*Description: Application for Authorization of Issuance of Short-Term Debt Securities Under Section 204 of the Federal Power Act of KCP&L Greater Missouri Operations Company.*

*Filed Date:* 12/6/13.

*Accession Number:* 20131206–5033.

*Comments Due:* 5 p.m. ET 12/27/13.

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: December 6, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013–29812 Filed 12–13–13; 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:* RP14–254–000.
*Applicants:* Equitrans, L.P.
*Description: Allegheny Valley Connector Compliance Filing Docket No. CP13–138–000 to be effective 12/31/9998.*
*Filed Date:* 12/6/13.
*Accession Number:* 20131206–5054.
*Comments Due:* 5 p.m. ET 12/11/13.

*Docket Numbers:* RP14–255–000.
*Applicants:* Equitrans, L.P.
*Description: Supplemental Allegheny Valley Connector Filing to be effective 12/31/9998.*
*Filed Date:* 12/6/13.
*Accession Number:* 20131206–5057.
*Comments Due:* 5 p.m. ET 12/11/13.

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: December 6, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013–29813 Filed 12–13–13; 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 exempt wholesale generator filings:

*Docket Numbers:* EG14–16–000.
*Applicants:* Fortistar North Tonawanda Inc.
*Description: Self-Certification of EG or FC of Fortistar North Tonawanda Inc.*
*Filed Date:* 12/5/13.
*Accession Number:* 20131205–5106.
*Comments Due:* 5 p.m. ET 12/26/13.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER12–1725–003.
*Applicants:* Red Oak Power, LLC.
*Description: Notice of Non-Material Change in Status of Red Oak Power, LLC.*
*Filed Date:* 12/5/13.
*Accession Number:* 20131205–5092.
*Comments Due:* 5 p.m. ET 12/26/13.

*Docket Numbers:* ER14–374–001.
*Applicants:* Duke Energy Progress, Inc., Duke Energy Florida, Inc., Duke Energy Carolinas, LLC.
*Description:* OATT Order No. 764 Compliance filing (Amendment) to be effective 12/31/9998.
*Filed Date:* 12/5/13.
*Comments Due:* 5 p.m. ET 12/26/13.
*Accession Number:* 20131205–5080.

*Docket Numbers:* ER14–536–000.
*Applicants:* Smoky Mountain Transmission LLC.
*Description:* Normal Schedule 3 Duke to be effective 11/1/2013.
*Filed Date:* 12/4/13.
*Accession Number:* 20131204–5102.
*Comments Due:* 5 p.m. ET 12/26/13.

*Docket Numbers:* ER14–537–000.
*Applicants:* Duke Energy Florida, Inc.
*Description: Duke Energy Florida, Inc. submits OATT Formula Transmission Rates (DEF) to be effective 2/3/2014.*
*Filed Date:* 12/5/13.
*Accession Number:* 20131205–5108.
*Comments Due:* 5 p.m. ET 12/26/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 5, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013–29811 Filed 12–13–13; 8:45 am]

BILLING CODE 6717–01–P

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9904–13–Region–3]**

### Adequacy Status of the Submitted Attainment Plan for the Delaware Portion of the Philadelphia-Wilmington-New Jersey 1997 Fine Particulate Matter National Ambient Air Quality Standard Nonattainment Area for Transportation Conformity Purposes

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that EPA has found that the Motor Vehicle Emissions Budgets (MVEBs) in the Delaware portion of the Philadelphia-Wilmington-New Jersey 1997 fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) Attainment Plan, submitted as a State Implementation Plan (SIP) revision on April 25, 2012 by the Delaware Department of Natural Resources and Environmental Control (DNREC), are adequate for transportation conformity purposes. As a result of EPA's finding, the State of Delaware must use the out-year 2012 MVEBs from the April 25, 2012 Attainment Plan for future conformity determinations for the 1997 $PM_{2.5}$ NAAQS.

**DATES:** This final rule is effective on December 31, 2013.

**FOR FURTHER INFORMATION CONTACT:** Gregory Becoat, Environmental Scientist, Office of Air Program Planning (3AP30), United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, (215) 814–2036; *becoat.gregory@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Today's notice is simply an announcement of a finding that EPA has already made. EPA Region III sent a letter to the Delaware Department of Natural Resources and Environmental Control on November 7, 2013 stating that EPA has found that the MVEBs in the Attainment Plan for budget year 2009 and out-year 2012, submitted on April 25, 2012 by DNREC, are adequate for transportation conformity purposes. As a result of EPA's finding, the State of Delaware

must use the out-year 2012 MVEBs from the April 25, 2012 Attainment Plan for future conformity determinations in the Delaware portion of the Philadelphia-Wilmington-New Jersey 1997 $PM_{2.5}$ NAAQS nonattainment area. Receipt of the submittal was announced on EPA's transportation conformity Web site. No comments were received. The findings letter is available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.* The adequate direct PM and nitrogen oxides ($NO_X$) MVEBs are provided in Table 1.

TABLE 1. DELAWARE PORTION OF THE PHILADELPHIA-WILMINGTON-NEW JERSEY 1997 $PM_{2.5}$ NAAQS ATTAINMENT DEMONSTRATION MVEBS FOR DIRECT PM AND $NO_X$

| Budget years | Mobile vehicle emissions budget for direct PM-tons per year | Mobile vehicle emissions budget for $NO_X$-tons per year |
|---|---|---|
| 2009 ..... | 257 | 8,448 |
| 2012 ..... | 199 | 6,273 |

Transportation conformity is required by section 176(c) of the Clean Air Act (CAA). EPA's conformity rule requires that transportation plans, transportation improvement programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's MVEBs are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). EPA described the process for determining the adequacy of submitted SIP budgets in a July 1, 2004 preamble starting at 69 FR 40038 and used the information in these resources in making this adequacy determination. Delaware did not provide emission budgets for sulfur dioxide ($SO_2$), volatile organic compounds (VOCs), or ammonia for the Delaware portion of the Philadelphia-Wilmington-New Jersey nonattainment area because it concluded that emissions of these precursors from motor vehicles are not significant contributors to the area's $PM_{2.5}$ air quality problem. The transportation conformity rule provision at 40 CFR 93.102(b)(2)(v) indicates that conformity does not apply for these precursors, due to the lack of MVEBs for these precursors and the State's conclusion that motor vehicle emissions of $SO_2$, VOCs, and ammonia do not contribute significantly to the area's $PM_{2.5}$ nonattainment problem. This provision of the transportation conformity rule predates and was not disturbed by the January 4, 2013 decision in the litigation on the $PM_{2.5}$ implementation rule.[1] EPA has preliminarily concluded that the State's decision to not include budgets for $SO_2$, VOCs, and ammonia is consistent with the requirements of the transportation conformity rule. That decision does not affect EPA's adequacy finding for the submitted direct PM and $NO_X$ MVEBs for the Delaware portion of the Philadelphia-Wilmington-New Jersey nonattainment area.

Please note that an adequacy review is separate from EPA's completeness review, and should not be used to prejudge EPA's ultimate approval action for the SIP. Even if EPA finds a budget adequate, the SIP could later be disapproved. The finding and the response to comments are available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.*

**Authority:** 42 U.S.C. 7401–7671q.

Dated: November 25, 2013.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2013–29808 Filed 12–13–13; 8:45 am]

BILLING CODE 6560–50–P

[1] EPA issued conformity regulations to implement the 1997 $PM_{2.5}$ NAAQS in July 2004 and May 2005 (69 FR 40004, July 1, 2004 and 70 FR 24280, May 6, 2005, respectively). Those actions were not part of the final rule recently remanded to EPA by the Court of Appeals for the District of Columbia in *NRDC v. EPA,* No. 08–1250 (Jan. 4, 2013), in which the Court remanded to EPA the implementation rule for the $PM_{2.5}$ NAAQS because it concluded that EPA must implement that NAAQS pursuant to the PM-specific implementation provisions of subpart 4 of Part D of Title I of the CAA, rather than solely under the general provisions of subpart 1.

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9904–16–Region–2]**

## Proposed CERCLA Settlement Relating to the Paul's Tank Cleaning Service Superfund Site, Burlington County, New Jersey

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed administrative settlement and opportunity for public comment.

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), notice is hereby given by the U.S. Environmental Protection Agency (''EPA''), Region 2, of a proposed Administrative Settlement Agreement for Recovery of Past and Future Response Costs (''Agreement'') pursuant to Section 122(h)(1) of CERCLA, with SKF USA, Inc. (''Settling Party''). The Settling Party is a potentially responsible party, pursuant to Section 107(a) of CERCLA, and thus is potentially liable for response costs incurred at or in connection Paul's Tank Cleaning Service Superfund Site (''Site''), located in Burlington County, New Jersey. Under the Agreement, the Settling Party agrees to pay a total of $100,000.00 to EPA for past and future response costs. EPA will consider all comments received and may modify or withdraw its consent to the Agreement if comments received disclose facts or considerations that indicate that the proposed Agreements are inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region 2 offices, 290 Broadway, New York, New York 10007–1866.

**DATES:** Comments must be provided by January 15, 2014.

**ADDRESSES:** The Agreement is available for public inspection at EPA Region 2 offices at 290 Broadway, New York, New York 10007–1866. Comments should reference the Paul's Tank Cleaning Service Superfund Site, located in Burlington County, New Jersey, Index No. CERCLA–02–2013–2022. To request a copy of the Agreements, please contact the EPA employee identified below.

**FOR FURTHER INFORMATION CONTACT:** William J. Reilly, Jr., Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway—17th Floor, New York, New York 10007–1866. Telephone: 212–637–3154, email at *reilly.williamj@epa.gov.*

Dated: November 27, 2013.

**Walter E. Mugdan,**

*Director, Emergency and Remedial Response Division.*

[FR Doc. 2013–29807 Filed 12–13–13; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

### Sunshine Act Meeting; Open Commission Meeting; Thursday, December 12, 2013

Date: December 6, 2013.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, December 12, 2013. The meeting is scheduled to commence at 2:30 p.m. in Room TW–C305, at 445 12th Street SW., Washington, DC.

| Item No. | Bureau | Subject |
|---|---|---|
| 1 | PUBLIC SAFETY AND HOMELAND SECURITY | TITLE: Improving 911 Reliability (PS Docket No. 13–75); Reliability and Continuity of Communications Networks, Including Broadband Technologies (PS Docket No. 11–60). SUMMARY: The Commission will consider a Report and Order that takes critical steps to improve the reliability and resiliency of 911 networks nationwide. |
| 2 | WIRELESS TELE-COMMUNICATIONS | TITLE: Expanding Access to Mobile Wireless Services Onboard Aircraft. SUMMARY: The Commission will consider a Notice of Proposed Rulemaking to revise outdated rules and provide airlines with the ability to permit passengers to use mobile wireless services via onboard airborne access systems. |
| 3 | TECHNOLOGY TRANSITIONS POLICY TASK FORCE | PRESENTATION: The Commission will hear a status update on the Task Force's work towards making near-term recommendations related to the Commission's expectations and role in the IP transition. |
| 4 | WIRELESS TELE-COMMUNICATIONS | PRESENTATION: The commission will hear an update on FCC and industry efforts to promote mobile wireless device unlocking. |

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Meribeth McCarrick, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by email at *FCC@BCPIWEB.com.*

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

[FR Doc. 2013–29871 Filed 12–12–13; 11:15 am]

**BILLING CODE 6712–01–P**

## FEDERAL RESERVE SYSTEM

### Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

**AGENCY:** Board of Governors of the Federal Reserve System.

**SUMMARY:** Notice is hereby given of the final approval of a proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, pursuant to 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statement and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

**FOR FURTHER INFORMATION CONTACT:**

Federal Reserve Board Clearance Officer—Cynthia Ayouch—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority of the implementation of the following information collection:

*Report title:* Report of Selected Money Market Rates.

*Agency form number:* FR 2420.

*OMB Control number:* 7100—to be assigned.

*Effective Date:* April 1, 2014.

*Frequency:* Daily.

*Reporters:* Domestically chartered commercial banks and thrifts that have $26 billion or more in total assets; U.S. branches and agencies of foreign banks with total third-party assets of $900 million or more.

*Estimated annual reporting hours:* Commercial banks and thrifts—18,750 hours; U.S. branches and agencies of foreign banks—26,250 hours.

*Estimated average hours per response:* Commercial banks and thrifts—1.5 hours; U.S. branches and agencies of foreign banks—1 hour.

*Number of respondents:* Commercial banks and thrifts—50; U.S. branches and agencies of foreign banks—105.

*General description of report:* This information collection is authorized by sections 9 and 11(a)(2) of the Federal Reserve Act (12 U.S.C. 324 and 248(a)) and by section 7(c)(2) of the International Banking Act (12 U.S.C. 3105(c)(2)) and may be made mandatory under those provisions. Individual respondent data are regarded as confidential under the Freedom of Information Act (5 U.S.C. 552(b)(4)) (FOIA). Exemption 4 of FOIA exempts from disclosure trade secrets and commercial or financial information that meets certain criteria.

*Abstract:* The Federal Reserve proposed to implement the mandatory Report of Selected Money Market Rates (FR 2420). The FR 2420 would be a transaction-based report that collects daily liability data on federal funds, Eurodollar transactions, and certificates of deposits (CDs) from (1) domestically chartered commercial banks and thrifts that have $26 billion or more in total assets and (2) U.S. branches and agencies of foreign banks with total third-party assets of $900 million or more. The FR 2420 data would be used to support a range of functions including the daily implementation of monetary policy and the analysis of broad money market conditions.

*Current Actions:* On June 28, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 38976) requesting public comment for 60 days on the implementation of the FR 2420. The comment period for this notice expired on August 27, 2013. The Federal Reserve received six comment letters on the proposed implementation of the FR 2420: one from several trade organizations, two from commercial banks, and three from U.S. branches and agencies of foreign banks. The comments are summarized and addressed below.

**Summary of Public Comments**

*A. Duplicative Data*

One U.S. agency of a foreign bank expressed concern that foreign banking organizations already provide the Federal Reserve with daily transaction level detail on all short-term financing transactions through a liquidity collection submitted to the Federal Reserve Bank of New York (4G templates). This commenter suggested avoiding unnecessary burden by sharing data among the different disciplines within the Federal Reserve System. The Federal Reserve compared these data collections and determined that there is no meaningful overlap or duplicative data between the proposed FR 2420 and the 4G templates or the Liquidity Monitoring Reports (FR 2052a; OMB No. 7100—to be assigned), which have been proposed to replace the 4G templates.

The trade organizations stated that the 4G templates require daily submissions of similar data by certain large banks, but such submissions are made on a two-day lag, which allows reporting banks to ensure the accuracy of the data submitted. Since the 4G templates already collect (from certain large banks) amount and maturity information related to federal funds, Eurodollars, and Wholesale CDs, the trade organization strongly recommended making slight enhancements to the 4G templates, rather than requiring reporting entities to develop an entirely new reporting system to capture essentially the same information. These data collections have different data elements and are collected for different purposes—money market monitoring versus banking supervision. Moreover, the panel for the FR 2420 is a larger respondent panel than the panel for the 4G templates. Consequently, the Federal Reserve believes the 4G templates could not be revised effectively to meet the FR 2420 needs.

*B. Burden Estimates*

One U.S. agency of a foreign bank noted that reporting would take 1 hour each day to prepare each day's data, not 0.825 hour as estimated in the FR 2420 proposal. The Federal Reserve reviewed the burden estimates and will revise the estimate to reflect this feedback.

*C. Submission Deadline*

Most commenters noted the 7:00 a.m. EST deadline would be difficult to meet and requested the Board consider a later deadline and a two-day lag. After considering these comments, the Federal Reserve determined that federal funds and Eurodollar data are needed by 7 a.m. each business day for the preceding day's reportable transactions to support the implementation of monetary policy and daily market monitoring and thus will retain those deadlines. However, upon further investigation, the Federal Reserve will extend the CD section deadline to a two day lag with a submission deadline of 2 p.m.

*D. Implementation Date*

Several commenters noted that additional time would be needed to implement and validate data as well as update their systems. The Federal Reserve recognizes challenges associated with implementing the FR 2420. To provide the necessary lead time, the implementation date would be extended to April 1, 2014. However, with this extension, the transition periods outlined in the initial proposal regarding the submission deadline times would be eliminated.

*E. Certificates of Deposit*

One commercial bank requested that the Federal Reserve consider an exemption on CDs since the rates rarely change from one day to the next. Another commercial bank requested that the threshold be raised to $1 million. To reduce reporting burden, therefore, the Federal Reserve will raise the threshold on all CDs to $1 million; however, there will not be a minimum threshold for the amounts reported on the federal funds and Eurodollar transactions.

The trade organization requested that derivative 'market-linked' CDs be excluded from the report since (1) the actual embedded floating rate may not be easily obtained, (2) calculating such information would require significant changes to systems, and (3) these CDs are only a small subset of reported CDs. Since, as commenters noted, these CDs represent a small amount of reported CDs and excluding them would reduce reporting burden, the Federal Reserve will exclude derivative 'market-linked' CDs from the report.

*F. Newly-Acquired Businesses*

The trade organization noted that it was not clear how an institution incorporates a new filer into the proposal's reporting requirements. Also, the trade organization requested that the final proposal include a 12-month transition period for all newly-acquired lines of business before such new acquisitions are required to be included in the FR 2420. The Federal Reserve will consider these types of requests on a case-by-case basis. However, the Federal Reserve believes that data from mergers and acquisitions should be

incorporated into the purchaser's reported data effective on the date of the acquisition.

By order of the Board of Governors of the Federal Reserve System, December 11, 2013.

**Robert deV. Frierson,**

*Secretary of the Board.*

[FR Doc. 2013–29773 Filed 12–13–13; 8:45 am]

**BILLING CODE 6210–01–P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 10, 2014.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Millennium Bancshares, Inc.,* Junction City, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Millennium Bank, Junction City, Kansas.

B. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Minden Bancorp, Inc.,* Minden, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of MBL Bank, Minden, Louisiana.

Board of Governors of the Federal Reserve System, December 11, 2013.

**Michael J. Lewandowski,**

*Associate Secretary of the Board.*

[FR Doc. 2013–29776 Filed 12–13–13; 8:45 am]

**BILLING CODE 6210–01–P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR Part 238), and Regulation MM (12 CFR Part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan 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 application also will 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 HOLA (12 U.S.C. 1467a(e)). 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 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). 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 January 10, 2014.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Sugar Creek MHC,* Trenton, Illinois; to convert to stock form and merge with Sugar Creek Financial Corp., Trenton, Illinois. Sugar Creek Financial Corp. will merge into Sugar Creek Financial Corp., a *de novo* Maryland corporation, which proposes to become a savings and loan holding company by acquiring 100 percent of the voting shares of Tempo Bank, Trenton, Illinois.

Board of Governors of the Federal Reserve System, December 11, 2013.

**Michael J. Lewandowski,**

*Associate Secretary of the Board.*

[FR Doc. 2013–29775 Filed 12–13–13; 8:45 am]

**BILLING CODE 6210–01–P**

## FEDERAL TRADE COMMISSION

### Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

## EARLY TERMINATIONS GRANTED

November 1, 2013 thru November 30, 2013

| | | |
|---|---|---|
| **11/01/2013** | | |
| 20140078 ..... | G | The Resolute Fund II, L.P.; JFL Equity Investors III, L.P.; The Resolute Fund II, L.P. |
| 20140079 ..... | G | The Resolute Fund II, L.P.; J.F. Lehman Equity Investors II, L.P.; The Resolute Fund II, L.P. |
| 20140080 ..... | G | KKR 2006 Fund L.P.; Sonos, Inc.; KKR 2006 Fund L.P. |
| 20140091 ..... | G | Garrison Opportunity Fund II A LLC; Benedict LLC; Garrison Opportunity Fund II A LLC. |
| 20140092 ..... | G | Global Atlantic Financial Group; Forethought Financial Group, Inc.; Global Atlantic Financial Group. |
| **11/04/2013** | | |
| 20131258 ..... | G | Altisource Portfolio Solutions, S.A., Equator LLC; Altisource Portfolio Solutions, S.A. |
| 20140081 ..... | G | FR XII Charlie AIV, L.P.; Forest Oil Corporation; FR XII Charlie AIV, L.P. |
| 20140094 ..... | G | Joselito D. Campos, Jr.; Blue Acquisition Group, Inc.; Joselito D. Campos, Jr. |
| 20140096 ..... | G | Roger S. Penske; Roland Smith; Roger S. Penske. |
| **11/06/2013** | | |
| 20130692 ..... | G | Sinclair Broadcast Group, Inc.; Pilot Group LP; Sinclair Broadcast Group, Inc. |
| 20140097 ..... | G | Newco—an entity to be formed Odyssey Investment Partners Fund IV, L.P.; Newco—an entity to be formed. |
| **11/07/2013** | | |
| 20140021 ..... | G | T. Michael Riggs: Allied Systems Holdings, Inc.; T. Michael Riggs. |
| 20140054 ..... | G | Apax VIII–A L.P.; GlobalLogic Holdings Inc.; Apax VIII–A L.P. |
| 20140073 ..... | G | Apax VIII–B L.P., GlobalLogic Holdings Inc.; Apax VIII–B L.P. |
| 20140095 ..... | G | First Reserve XII, L.P.; Odyssey Investment Partners Fund IV, L.P.; First Reserve XII, L.P. |
| **11/08/2013** | | |
| 20140104 ..... | G | Integra LifeSciences Holdings Corporation; Covidien plc; Integra LifeSciences Holdings Corporation. |
| 20140109 ..... | G | Toray Industries, Inc.; Zoltek Companies, Inc. Toray Industries, Inc. |
| 20140111 ..... | G | Fibemi NV; John R. McDonald; Fibemi NV. |
| 20140114 ..... | G | Oracle Corporation; BigMachines Holdings, Inc.; Oracle Corporation. |
| 20140120 ..... | G | Regency Energy Partners LP; PVR Partners, L.P.; Regency Energy Partners LP. |
| 20140123 ..... | G | TransAlta Corporation; NextEra Energy, Inc.; TransAlta Corporation. |
| 20140125 ..... | G | Pace plc; Aurora Networks, Inc.; Pace plc. |
| **11/12/2013** | | |
| 20140051 ..... | G | CACI International Inc.; GTCR Fund IX/A, L.P.; CACI International Inc. |
| 20140129 ..... | G | AIPCF V AIV C, LP; Carlisle Companies Incorporated; AIPCF V AIV C, LP. |
| 20140136 ..... | G | Tofane S.A.; Highmark Health; Tofane S.A. |
| **11/14/2013** | | |
| 20140108 ..... | G | AEA Investors Fund V LP Siemens Aktiengesellschaft; AEA Investors Fund V LP. |
| 20140112 ..... | G | Heartland Dental Holdings, Inc.; My Dentist Holdings, LLC; Heartland Dental Holdings, Inc. |
| 20140128 ..... | G | Experian plc; Passport Health Holdings Corporation; Experian plc. |
| **11/15/2013** | | |
| 20140063 ..... | G | Mitchell & Linda Singer; Aaron Holding Investments, LLC; Mitchell & Linda Singer. |
| 20140076 ..... | G | Charlesbank Equity Fund VII, Limited Partnership; David Waggoner Charlesbank Equity Fund VII, Limited Partnership. |
| **11/18/2013** | | |
| 20140059 ..... | G | E & A Credit Union; First Community Federal Credit Union; E & A Credit Union. |
| 20140084 ..... | G | Oman Oil Company S.A.O.C.; Advent Oxea (Cayman) Limited (in voluntary liquidation) Oman Oil Company S.A.O.C. |
| 20140131 ..... | G | OCP Trust; CH Hold Corp.; OCP Trust. |
| 20140132 ..... | G | Patrick G. Ryan and Shirley W. Ryan; Kevin T. Westrope; Patrick G. Ryan and Shirley W. Ryan. |
| 20140134 ..... | G | The Resolute Fund II, L.P.: Lighthouse Equity Fund I, LLC; The Resolute Fund II, L.P. |
| 20140137 ..... | G | Sentinel Capital Partners IV, L.P.; Actuant Corporation; Sentinel Capital Partners IV, L.P. |
| 20140138 ..... | G | Alamo Group Inc.; Jerry M. Morey; Alamo Group Inc. |
| 20140139 ..... | G | Alamo Group Inc.; Dianne C. Morey: Alamo Group Inc. |
| 20140143 ..... | G | Permira V L.P.2; R. Griggs Group Limited; Permira V L.P.2. |
| 20140145 ..... | G | AltaGas Ltd.; Stan Owerko; AltaGas Ltd. |
| 20140146 ..... | G | Idemitsu Kosan Co., Ltd.; Stan Owerko; Idemitsu Kosan Co., Ltd. |
| 20140152 ..... | G | Hari K. Ravichandran; Endurance International Group Holdings, Inc.; Hari K. Ravichandran. |
| 20140157 ..... | G | Nippon Telegraph and Telephone Corporation; Virtela Technology Services Incorporated; Nippon Telegraph and Telephone Corporation. |
| **11/19/2013** | | |
| 20140142 ..... | G | NGL Energy Partners LP; Gavilon Energy Holdings, LLC; NGL Energy Partners LP. |

EARLY TERMINATIONS GRANTED—Continued

November 1, 2013 thru November 30, 2013

| | | |
|---|---|---|
| 20140151 ..... | G | Clayton, Dubilier & Rice Fund VIII, L.P.; Deere & Company; Clayton, Dubilier & Rice Fund VIII, L.P. |
| 20140153 ..... | G | ACP Investment Fund, L.P.; Dirk Dozier; ACP Investment Fund, L.P. |
| 20140158 ..... | G | Assa Abloy AB; Amarr Company; Assa Abloy AB. |
| 20140161 ..... | G | SoftBank Corp.; R. Marcelo Claure; SoftBank Corp. |
| 20140162 ..... | G | Aurora Equity Partners IV L.P.; VEPF IV AIV III, L.P.; Aurora Equity Partners IV L.P. |
| **11/20/2013** | | |
| 20140148 ..... | G | Darling International Inc., Noordbrabantse Christelijke Boerenbond; Darling International Inc. |
| 20140165 ..... | G | Green Plains Renewable Energy, Inc. Ethanol Holding Company, LLC; Green Plains Renewable Energy, Inc. |
| **11/21/2013** | | |
| 20140163 ..... | G | Littlejohn Fund IV, L.P.; Newgistics, Inc.; Littlejohn Fund IV, L.P. |
| **11/22/2013** | | |
| 20140101 ..... | G | Microsemi Corporation; Symmetricom, Inc.; Microsemi Corporation. |
| 20140170 ..... | G | Amphenol Corporation; General Electric Company; Amphenol Corporation. |
| **11/25/2013** | | |
| 20140116 ..... | G | Teleflex Incorporated; VidaCare Corporation; Teleflex Incorporated. |
| 20140168 ..... | G | ONEOK Partners, L.P., Chevron Corporation; ONEOK Partners, L.P. |
| 20140175 ..... | G | Amdocs Limited; Rahul Sharma; Amdocs Limited. |
| 20140180 ..... | G | Aerin Lauder Zinterhofer; 2012 Marital Trust No. 2; Aerin Lauder Zinterhofer. |
| 20140183 ..... | G | Jane Lauder; 2012 Marital Trust No. 2; Jane Lauder. |
| 20140189 ..... | G | Berkshire Hathaway Inc.; IMI plc; Berkshire Hathaway Inc. |
| 20140191 ..... | G | The Veritas Capital Fund IV, L.P.; Anaren, Inc.; The Veritas Capital Fund IV, L.P. |
| 20140192 ..... | G | KKR North America Fund XI, L.P.; BG Holding LLC; KKR North America Fund XI, L.P. |
| 20140194 ..... | G | Windjammer Senior Equity Fund IV, L.P.; Sentinel Capital Partners IV, L.P.; Windjammer Senior Equity Fund IV, L.P. |
| 20140197 ..... | G | John L. and Susan Ocampo; Mindspeed Technologies, Inc.; John L. and Susan Ocampo. |
| **11/26/2013** | | |
| 20140107 ..... | G | SoftBank Corporation; CUI Acquisition Corp.; SoftBank Corporation. |
| 20140126 ..... | G | NRG Energy, Inc.; Edison Mission Energy; NRG Energy, Inc. |
| 20140140 ..... | G | Newco; General Atlantic Partners 88, L.P. Newco. |
| 20140156 ..... | G | Ixia; Eldad Matityahu and Charlotte H. Matityahu; Ixia. |
| 20140169 ..... | G | John Wood Group PLC; Elkhorn Holdings, Inc.; John Wood Group PLC. |
| 20140187 ..... | G | Rockland Power Partners II, LP; Ameren Corporation; Rockland Power Partners II, LP. |
| 20140199 ..... | G | Calumet Speciality Products Partners, L.P.; Daryl A. Brosnan; Calumet Speciality Products Partners, L.P. |
| **11/27/2013** | | |
| 20140038 ..... | G | Accenture plc; ICG Group, Inc.; Accenture plc. |
| 20140070 ..... | G | eBay Inc.; Braintree, Inc.; eBay Inc. |
| 20140212 ..... | G | Aegean Marine Petroleum Network Inc.; Hess Corporation; Aegean Marine Petroleum Network Inc. |
| **11/29/2013** | | |
| 20140115 ..... | G | Microsoft Corporation; Nokia Corporation; Microsoft Corporation. |
| 20140166 ..... | G | CLARCOR Inc.; General Electric Company; CLARCOR Inc. |

**FOR FURTHER INFORMATION CONTACT:** Renee Chapman, Contact Representative, or Theresa Kingsberry, Legal Assistant, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H–303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2013–29578 Filed 12–13–13; 8:45 am]

**BILLING CODE 6750–01–P**

## OFFICE OF GOVERNMENT ETHICS

### Updated OGE Senior Executive Service Performance Review Board

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the appointment of members of the updated OGE Senior Executive Service (SES) Performance Review Board.

**DATES:** *Effective Date:* December 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Shelley K. Finlayson, Program Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005–3917; Telephone: 202–482–9300; TYY: 800–877–8339; FAX: 202–482–9237.

**SUPPLEMENTARY INFORMATION:** 5 U.S.C. 4314(c) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management at 5 CFR part 430, subpart C and § 430.310 thereof in particular, one or more Senior Executive Service performance review boards. As a small executive branch agency, OGE

has just one board. In order to ensure an adequate level of staffing and to avoid a constant series of recusals, the designated members of OGE's SES Performance Review Board are being drawn, as in the past, in large measure from the ranks of other executive branch agencies. The board shall review and evaluate the initial appraisal of each OGE senior executive's performance by his or her supervisor, along with any recommendations in each instance to the appointing authority relative to the performance of the senior executive. This notice updates the membership of OGE's SES Performance Review Board as it was most recently published at 77 FR 64521 (October 22, 2012).

Approved: December 5, 2013.

**Walter M. Shaub, Jr.,**

*Director, Office of Government Ethics.*

The following officials have been appointed members of the SES Performance Review Board of the Office of Government Ethics:

Shelley K. Finlayson, [Chair], Program Counsel, Office of Government Ethics;

Rochelle Granat, Assistant General Counsel for General Law, Ethics and Regulation, Department of the Treasury;

Judith S. Kaleta, Deputy General Counsel, Department of Transportation; and

Shira Pavis Minton, Ethics Counsel, Office of the Ethics Counsel, Securities and Exchange Commission.

[FR Doc. 2013–29845 Filed 12–13–13; 8:45 am]

BILLING CODE 6345–03–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Proposed Information Collection Activity; Comment Request

### Proposed Projects

*Title:* Social Services Block Grant Post-Expenditure Report.

*OMB No.:* 0970–0234

*Description:* The purpose of this information collection is to (1) extend the collection of post-expenditure data using the current OMB approved reporting form (OMB No. 0970–0234) past the current expiration date of July 31, 2011; (2) make one chnage to the current post-expenditure reporting form; and (3) request that States voluntarily use the post-expenditure reporting form to estimate expenditures and recipients, by service category, as part of the required annual intended use plan. The Social Services Block Grant program (SSBG) provides funds to assist States in delivering critical services to vulnerable older adults, persons with disabilities, at-risk adolescents and young adults, and children and families. Funds are allocated to the States in proportion to their populations. States have substantial discretion in their use of funds and may determine what services will be provided, who will be eligible, and how funds will be distributed among the various services. State or local SSBG agencies (i.e., county, city, regional offices) may provide the services or may purchase them from qualified agencies, organizations or individuals. States report as recipients of SSBG-funded services any individuals who receive a service funded in whole or in part by SSBG. States are required to report their annual SSBG expenditures on a standard post-expenditure reporting form. The current form includes a yearly total of adults and children served and annual expenditures in each of 29 service categories. The annual report is submitted within six months of the end of the period covered by the report, and must address: (1) The number of individuals (including number of children and number of adults) who receive services paid for, in whole or in part, with Federal funds under the SSBG; (2) The amount of SSBG funds spent in providing each service; (3) The total amount of Federal, State, and local funds spent in providing each service, including SSBG funds; and (4) The method(s) by which each service is provided, showing separately the services provided by public and private agencies. These reporting requirements can be found at 45 CFR 96.74. Information collected on the post-expenditure report is analyzed and described in an annual report on SSBG expenditures and recipients produced by the Office of Community Services (OCS), Administration for Children and Families (ACF). The information contained in this report is used for program planning and management. The data establish how SSBG funding is used for the provision of services in each State to each of many specific populations of needy individuals. Federal regulation and reporting requirements for the SSBG also require each State to develop and submit an annual intended use plan that describes how the State plans to administer its SSBG funds for the coming year. This report is to be submitted 30 days prior to the start of the fiscal year (June 1 if the State operates on a July-June fiscal year, or September 1 if the State operates on a Federal fiscal year). No specific format is required for the intended use plan. The intended use of SSBG funds, including the types of activities to be supported and the categories and characteristics of individuals to be served, must be provided. States vary greatly in the information they provide and the structure of the report. States are required to submit a revised intended use plan if the planned use of SSBG funds changes during the year. In order to provide a more accurate analysis of the extent to which funds are spent ''in a manner consistent'' with each of the States plan for their use, as required by 42 U.S.C. 1397e(a), ACF is requesting that States voluntarily use the format of the post-expenditure report form to provide estimates of the amount of expenditures and the number of recipients by service category, that the State plans to use SSBG funds to support as part of the intended use plan. Many States are already doing this.

*Respondents:* States.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| Use of Post-Expenditure Report Form as Part of the Intended Use Plan | 56 | 1 | 2 | 112 |
| Post-Expenditure Report | 56 | 1 | 110 | 6,160 |

*Estimated Total Annual Burden Hours:* 6,272.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing

to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 2013–29767 Filed 12–13–13; 8:45 am]

**BILLING CODE 4184–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Comment Request

*Title:* Renewal of Office of Community Services (OCS) Community Economic Development (CED) Standard Reporting Format.

*OMB No.:* 0970–0386.

*Description:* The Office of Community Services (OCS) will continue collecting key information about projects funded through the Community Economic Development (CED) program. The legislative requirement for this program is in Title IV of the Community Opportunities, Accountability and Training and Educational Services Act (COATS Human Services Reauthorization Act) of October 27, 1998, Public Law 105–285, section 680(b) as amended. The reporting format, Performance Progress Report (PPR), collects information concerning the outcomes and management of CED projects. OCS will use the data to critically review the overall design and effectiveness of the program.

The PPR will continue to be administered to all active grantees of the CED program. Grantees will be required to use this reporting tool for their semi-annual reports to be submitted twice a year. The current PPR replaced both the annual questionnaire and other semi-annual reporting formats, which resulted in an overall reduction in burden for the grantees while significantly improving the quality of the data collected by OCS. OCS seeks to renew this PPR to continue to collect quality data from grantees. To ensure the burden on grantees is not increased, all questions on the current PPR will remain the same—we propose adding only one question to the PPR regarding the total number of jobs grantees are creating with grant funds. Many grantees have asked about this element on the current PPR and currently do not have a place to report that information. This is information that most grantees are already collecting. Adding this field will allow grantees to provide this information in a consistent format and allow OCS to more accurately reflect the total number of jobs created through the CED program. Since grantees are already familiar with the current format and elements, and all questions on the PPR will remain the same (with one added question based on grantee feedback), there will be no additional burden on grantees.

*Respondents:* Current CED grantees.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| Questionnaire for current OCS–CED grantees | 170 | 2 | 1.50 | 510 |

*Estimated Total Annual Burden Hours:* 510.

### Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

### OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV.* Attn: Desk Officer for the Administration for Children and Families.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 2013–29798 Filed 12–13–13; 8:45 am]

**BILLING CODE 4184–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2013–D–0117]**

### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Providing Information About Pediatric Uses of Medical Devices Under Section 515A of the Federal Food, Drug, and Cosmetic Act

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget

(OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by January 15, 2014.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910-New and title ''Providing Information About Pediatric Uses of Medical Devices Under Section 515A of the Federal Food, Drug, and Cosmetic Act''. Also include the FDA docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

**Medical Devices; Pediatric Uses of Devices; Requirement for Submission of Information on Pediatric Subpopulations That Suffer From a Disease or Condition That a Device Is Intended To Treat, Diagnose, or Cure—(OMB Control Number 0910—New)**

The draft guidance suggests that applicants who submit certain medical device applications include, if readily available, pediatric use information for diseases or conditions that the device is being used to treat, diagnose, or cure that are outside the device's approved or proposed indications for use, as well as an estimate of the number of pediatric patients with such diseases or conditions. The information submitted will allow FDA to identify pediatric uses of devices outside their approved or proposed indication for use in order to determine areas where further pediatric device development could be useful. This recommendation applies to applicants who submit the following applications:

1. Any request for a humanitarian device exemption submitted under section 520(m) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(m));

2. Any premarket approval application (PMA) or supplement to a PMA submitted under section 515 of the FD&C Act (21 U.S.C. 360e);

3. Any product development protocol submitted under section 515 of the FD&C Act.

In the **Federal Register** of February 19, 2013, (78 FR 11654), FDA published a 60-day notice requesting public comment on the proposed collection of information. However, only one comment was interpreted as being related to the proposed collection of information.

One comment stated that FDA should not require all readily available information on pediatric uses of devices because it is unduly burdensome, but rather applicants should be required to perform a reasonable search. FDA disagrees with the comment. In order for FDA to be provided useful, comprehensive information and to fulfill the statutory mandate, all readily available information should be submitted to FDA. Moreover, the requirement is not unduly burdensome because FDA is only requiring all information that is readily available, not all information in general.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

| Description | Number of respondents | Number of responses per respondent | Total annual responses | Average burden per response | Total hours |
|---|---|---|---|---|---|
| Uses outside approved indication | 148 | 1 | 148 | 0.5 | 74 |

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Respondents are permitted to submit information relating to uses of the device outside the approved or proposed indication if such uses are described or acknowledged in acceptable sources of readily available information. We estimate that 20 percent of respondents submitting information required by section 515A of the FD&C Act will choose to submit this information and that it will take 30 minutes for them to do so.

This draft guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in part 814 (21 CFR part 814), subpart B have been approved under OMB control number 0910–0231, and the collections of information in part 814, subpart H have been approved under OMB control number 0910–0332.

Dated: December 11, 2013.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2013–29796 Filed 12–13–13; 8:45 am]

BILLING CODE 4160–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

### Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**Proposed Project: 2014–2017 National Survey on Drug Use and Health: Methodological Field Tests (OMB No. 0930–0110)—Extension**

The National Survey on Drug Use and Health (NSDUH) is a survey of the U.S. civilian, non-institutionalized population aged 12 years old or older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, the Office of National Drug Control Policy (ONDCP), Federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

Methodological tests will continue to be designed to examine the feasibility, quality, and efficiency of new procedures or revisions to existing survey protocol. Specifically, the tests will measure the reliability and validity of certain questionnaire sections and items through multiple measurements on a set of respondents; assess new methods for gaining cooperation and participation of respondents with the goal of increasing response and decreasing potential bias in the survey estimates; and assess the impact of new sampling techniques and technologies on respondent behavior and reporting. Research will involve focus groups, cognitive laboratory testing, customer satisfaction surveys, and field tests.

These methodological tests will continue to examine ways to increase data quality, lower operating costs, and gain a better understanding of sources and effects of nonsampling error on the NSDUH estimates. Particular attention will be given to minimizing the impact of design changes so that survey data continue to remain comparable over time. If these tests provide successful results, current procedures or data collection instruments may be revised.

The number of respondents to be included in each field test will vary, depending on the nature of the subject being tested and the target population. However, the total estimated response burden is 8,225 hours. The exact number of subjects and burden hours for each test are unknown at this time, but will be clearly outlined in each individual submission. These estimated burden hours are distributed over three years as follows:

TABLE 1—ESTIMATED BURDEN FOR NSDUH METHODOLOGICAL FIELD TESTS

| Time period | Respondent burden hours |
|---|---|
| May 2014 to May 2015 | 2,742 |
| May 2015 to May 2016 | 2,742 |
| May 2016 to May 2017 | 2,741 |
| Total | 8,225 |

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 *OR* email her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by February 14, 2014.

**Summer King,**

*Statistician, Center for Behavioral Health Statistics and Quality.*

[FR Doc. 2013–29759 Filed 12–13–13; 8:45 am]

**BILLING CODE 4162–20–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

### Agency Information Collection Activities: Transportation Entry and Manifest of Goods Subject to CBP Inspection and Permit

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 30-Day notice and request for comments; Extension of an existing information collection: 1651–0003.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Transportation Entry and Manifest of Goods Subject to CBP Inspection and Permit. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** (78 FR 57405) on September 18, 2013, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

**DATES:** Written comments should be received on or before January 15, 2014 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for U.S. Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104–13; 44 U.S.C. 3507). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

*Title:* Transportation Entry and Manifest of Goods Subject to CBP Inspection and Permit.

*OMB Number:* 1651–0003.

*Form Number:* CBP Forms 7512 and 7512A.

*Abstract:* CBP Forms 7512 and 7512A are used by carriers and brokers to serve as the manifest and transportation entry for cargo moving under bond within the United States. The data on the form is used by CBP to identify the carrier who initiated the bonded movement and to document merchandise moving in-bond. These forms provide documentation

that CBP uses for enforcement, targeting, and protection of revenue. Forms 7512 and 7512A collect information such as the names of the importer and consignee; a description of the merchandise moving in-bond; and the ports of lading and unlading. These forms are provided for by 19 CFR 10.60, 19 CFR 10.61, 19 CFR 18.11, 19 CFR 18.20 and 19 CFR 18.25, and can be found at *http://www.cbp.gov/xp/cgov/toolbox/forms/*.

*Current Actions:* CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information being collected on CBP Form 7512.

*Type of Review:* Extension (without change).

*Affected Public:* Businesses.

*Estimated Number of Respondents:* 6,200.

*Estimated Number of Responses per Respondent:* 871.

*Estimated Number of Total Annual Responses:* 5,400,001.

*Estimated Time per Response:* 10 minutes.

*Estimated Total Annual Burden Hours:* 896,400 hours.

Dated: December 11, 2013.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2013–29816 Filed 12–13–13; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

### Agency Information Collection Activities: Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 30-Day notice and request for comments; Extension of an existing Information Collection: 1651–0013.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release (CBP Form 7523). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** (78 FR 59365) on September 26, 2013, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

**DATES:** Written comments should be received on or before January 15, 2014 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for U.S. Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104–13; 44 U.S.C. 3507). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

*Title:* Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate of Release.

*OMB Number:* 1651–0013.

*Form Number:* CBP Form 7523.

*Abstract:* CBP Form 7523, Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate of Release, is used by carriers and importers as a manifest for the entry of merchandise free of duty under certain conditions. CBP Form 7523 is also used by carriers to show that articles being imported are to be released to the importer or consignee, and as an inward foreign manifest for vehicles weighing less than 5 tons arriving from Canada or Mexico with merchandise conditionally free of duty. CBP uses this form to authorize the entry of such merchandise. CBP Form 7523 is authorized by 19 U.S.C. 1433, 1484 and 1498. It is provided for by 19 CFR 123.4 and 19 CFR 143.23. This form is accessible at *http://forms.cbp.gov/pdf/CBP_Form_7523.pdf*.

*Current Actions:* CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information being collected on CBP Form 7523.

*Type of Review:* Extension (without change).

*Affected Public:* Businesses.

*Estimated Number of Respondents:* 4,950.

*Estimated Number of Responses per Respondent:* 20.

*Estimated Total Annual Responses:* 99,000.

*Estimated Time per Response:* 5 minutes.

*Estimated Total Annual Burden Hours:* 8,247.

Dated: December 11, 2013.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2013–29809 Filed 12–13–13; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOMELAND SECURITY

### United States Immigration and Customs Enforcement

### Agency Information Collection Activities: Comment Request; Extension of an Information Collection

**ACTION:** 60-Day Notice of Information Collection for review; Electronic Bonds Online (eBonds) Access; OMB Control No. 1653–0046.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE), is submitting the following information collection request for review and clearance in accordance

with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty day until February 14, 2014.

Written comments and suggestions regarding items contained in this notice and especially with regard to the estimated public burden and associated response time should be directed to the Office of Chief Information Office, Forms Management Office, U.S. Immigrations and Customs Enforcement, 801 I Street NW., Mailstop 5800, Washington, DC 20536–5800.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Overview of This Information Collection**

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Electronic Bonds Online (eBonds) Access.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* ICE Form I–352SA (Surety eBonds Access Application and Agreement); ICE Forms I–352RA (eBonds Rules of Behavior Agreement); U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual or Households, Business or other non-profit. The information taken in this collection is necessary for ICE to grant access to eBonds and to notify the public of the duties and responsibilities associated with accessing eBonds. The I–352SA and the I–352RA are the two instruments used to collect the information associated with this collection. The I–352SA is to be completed by a Surety that currently holds a Certificate of Authority to act as a Surety on Federal bonds and details the requirements for accessing eBonds as well as the documentation, in addition to the I–352SA and I–352RA, which the Surety must submit prior to being granted access to eBonds. The I–352RA provides notification that eBonds is a Federal government computer system and as such users must abide by certain conduct guidelines to access eBonds and the consequences if such guidelines are not followed.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 100 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 50 annual burden hours.

Dated: December 11, 2013.

**Scott Elmore,**

*Program Manager, Forms Management Office, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.*

[FR Doc. 2013–29761 Filed 12–13–13; 8:45 am]

**BILLING CODE 9111–28–P**

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5696–N–07]**

## Allocations, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant Disaster Recovery Funds in Response to Disasters Occurring in 2013

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice advises the public of a $128,500,000 allocation for the purpose of assisting recovery in the most impacted and distressed areas in Colorado, Illinois and Oklahoma declared a major disaster in 2013. This is the fourth allocation of Community Development Block Grant disaster recovery (CDBG–DR) funds under the Disaster Relief Appropriations Act, 2013 (Pub. L. 113–2). Prior allocations addressed the areas most impacted by Hurricane Sandy, as well as the areas most impacted by disasters occurring in 2011 or 2012. In **Federal Register** Notices, the Department has described those allocations, relevant statutory provisions, the grant award process, criteria for Action Plan approval, eligible disaster recovery activities, and applicable waivers and alternative requirements. This Notice builds upon the requirements of the **Federal Register** Notices published by the Department on March 5, 2013 (78 FR 14329), April 19, 2013 (78 FR 23578) and August 2, 2013 (78 FR 46999), referred to collectively in this Notice as the ''Prior Notices.'' The Prior Notices are available at: *http://www.gpo.gov/fdsys/pkg/FR-2013-03-05/pdf/2013-05170.pdf http://www.gpo.gov/fdsys/pkg/FR-2013-04-19/pdf/2013-09228.pdf http://www.gpo.gov/fdsys/pkg/FR-2013-08-02/pdf/2013-18643.pdf.*

For grantees receiving an allocation under this Notice, many of the requirements described in the Prior Notices will apply, with some minor modifications.

**DATES:** *Effective Date:* December 23, 2013.

**FOR FURTHER INFORMATION CONTACT:** Stan Gimont, Director, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street SW., Room 7286, Washington, DC 20410, telephone number 202–708–3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339. Facsimile inquiries may be sent to Mr. Gimont at 202–401–2044. (Except for the ''800'' number, these telephone numbers are not toll-free.) Email inquiries may be sent to *disaster_recovery@hud.gov.*

**SUPPLEMENTARY INFORMATION:**

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I. Allocation
II. Use of Funds
III. Timely Expenditure of Funds, and Prevention of Fraud, Abuse, and Duplication of Benefits
IV. Overview of Grant Process
V. Applicable Rules, Statutes, Waivers, and Alternative Requirements
VI. Duration of Funding
VII. Catalog of Federal Domestic Assistance
VIII. Finding of No Significant Impact
Appendix A: Allocation Methodology

### I. Allocation

The Disaster Relief Appropriations Act, 2013 (Pub. L. 113–2, approved January 29, 2013) (Appropriations Act) made available $16 billion in Community Development Block Grant (CDBG) funds for necessary expenses related to disaster relief, long-term

recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 *et seq.*) (Stafford Act), due to Hurricane Sandy and other eligible events in calendar years 2011, 2012, and 2013.

On March 1, 2013, the President issued a sequestration order pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act, as amended (2 U.S.C. 901a), and reduced funding for CDBG–DR grants under the Appropriations Act to $15.18 billion. A total of $10.5 billion has been allocated for the areas most impacted by Hurricane Sandy. This Notice advises the public of a $128,500,000 allocation for the purpose of assisting recovery in the most impacted and distressed areas in Colorado, Illinois and Oklahoma declared a major disaster in 2013. As the Appropriations Act requires funds to be awarded directly to a State, or unit of general local government (hereinafter, local government), at the discretion of the Secretary, the term ''grantee'' refers to any jurisdiction receiving a direct award from HUD under this Notice.

To comply with statutory direction that funds be used for disaster recovery-related expenses in the most impacted and distressed areas, HUD computes allocations based on the best available data that cover all of the eligible affected areas. Based on a review of the impacts from Presidentially-declared disasters that have occurred in 2013, and estimates of remaining unmet need, this Notice provides the following awards:

TABLE 1—ALLOCATIONS FOR DISASTERS OCCURRING IN 2013

| State | Grantee | Allocation |
|---|---|---|
| Colorado | State of Colorado | $62,800,000 |
| Illinois | State of Illinois | 3,600,000 |
| Illinois | City of Chicago | 4,300,000 |
| Illinois | Cook County | 13,900,000 |
| Illinois | Du Page County | 7,000,000 |
| Oklahoma | State of Oklahoma | 10,600,000 |
| Oklahoma | City of Moore | 26,300,000 |
| Total | | 128,500,000 |

As outlined in Table 2, to ensure that funds provided under this Notice address unmet needs within the ''most impacted and distressed'' counties, each local government receiving a direct award under this Notice must expend its entire CDBG–DR award within its jurisdiction (e.g., Cook County must expend its entire award within Cook County, excluding the city of Chicago; the city of Chicago must expend all funds in the city of Chicago including the portions of Cook and DuPage counties located within the city's jurisdiction). The State of Oklahoma may expend funds in any county that was declared a major disaster in 2013, but must spend at least $3,220,000 within Cleveland County. The State of Illinois may expend funds in any county that was declared a major disaster in 2013. The State of Colorado must expend at least 80% of its funds in the most impacted counties of Boulder, Weld and Larimer but may expend up to $12,560,000 in other counties having a declared major disaster in 2013. A detailed explanation of HUD's allocation methodology is provided at Appendix A.

TABLE 2—MOST IMPACTED AND DISTRESSED COUNTIES WITHIN WHICH FUNDS MAY BE EXPENDED

| Grantee | Most impacted and distressed counties | Minimum percentage that must be expended in most impacted and distressed counties |
|---|---|---|
| State of Colorado | Boulder, Weld and Larimer | 80 |
| State of Illinois | Cook and DuPage | 0 |
| City of Chicago | City of Chicago and the portions of the City of Chicago in Cook and DuPage. | 100 |
| Cook County | Cook County | 100 |
| DuPage County | DuPage | 100 |
| State of Oklahoma | Cleveland | 30.4 |
| City of Moore | City of Moore and the portions of the City of Moore in Cleveland | 100 |

## II. Use of Funds

The Appropriations Act requires funds to be used only for specific disaster recovery-related purposes. The law also requires that prior to the obligation of funds, a grantee shall submit a plan detailing the proposed use of funds, including criteria for eligibility and how the use of these funds will address disaster relief, long-term recovery, restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas. In its Action Plan for Disaster Recovery each grantee must describe uses and activities that: (1) Are authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) (HCD Act), or allowed by a waiver or alternative requirement published in an applicable **Federal Register** Notice; and (2) respond to a disaster-related impact. To help meet these requirements, grantees must conduct an assessment of community impacts and unmet needs to guide the development and prioritization of planned recovery activities. Detailed information on the needs assessment, eligible CDBG–DR activities, and the development of an Action Plan is

included in the Prior Notices. For grantees receiving an allocation under this Notice, the requirements described in the Prior Notices will apply, except as modified by this Notice (*see* section V of this Notice: ''Applicable Rules, Statutes, Waivers, and Alternative Requirements''). Links to the Prior Notices, the text of the Appropriations Act, and additional guidance prepared by the Department for CDBG–DR grants, are available on HUD's Web site under the Office of Community Planning and Development, Disaster Recovery Assistance (hereinafter referred to as the CPD Disaster Recovery Web site): *http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/drsi.*

Each grantee receiving an allocation under this Notice must submit an initial Action Plan no later than 90 days after the effective date of this Notice HUD will only approve Action Plans that meet the specific criteria identified in the March 5, 2013, Notice, as modified by the April 19, 2013, Notice (*see* section V of this Notice: ''Applicable Rules, Statutes, Waivers, and Alternative Requirements'').

CDBG–DR funds may be used as a matching requirement, share, or contribution for any other Federal program when used to carry out an eligible CDBG–DR activity. This includes programs or activities administered by the Federal Emergency Management Agency (FEMA) or the U.S. Army Corps of Engineers (USACE) (as provided at 42 U.S.C. 5305). Note, the amount of CDBG–DR as matching funds for USACE-funded projects may not exceed $250,000. However, the Appropriations Act prohibits CDBG–DR funds being used for expenses reimbursable by, or for which funds are made available by, either FEMA or USACE.

## III. Timely Expenditure of Funds and Prevention of Waste, Fraud, Abuse, and Duplication of Benefits

Section 904(c) under Title IX of the Appropriations Act requires that all funds be expended within two years of the date HUD obligates funds to a grantee (funds are obligated to a grantee upon HUD's signing of the grantee's CDBG–DR grant agreement). Action Plans must demonstrate how funds will be fully expended within two years of obligation. HUD must obligate all funds not later than September 30, 2017. For any funds that the grantee believes will not be expended by the deadline and that it desires to retain, the grantee must submit a letter to HUD not less than 30 days in advance justifying why it is necessary to extend the deadline for a specific portion of funds. The letter must detail the compelling legal, policy, or operational challenges for any such waiver, and must also identify the date by when the specified portion of funds will be expended. The Office of Management and Budget has provided HUD with authority to act on grantee waiver requests but grantees are cautioned that such waivers may not be approved. Approved waivers will be published in the **Federal Register**. Funds remaining in the grantee's line of credit at the time of its expenditure deadline will be returned to the U.S. Treasury or, if before September 30, 2017, will be recaptured by HUD.

The Appropriations Act requires the Secretary to certify, in advance of signing a grant agreement, that the grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Stafford Act, ensure timely expenditure of funds, maintain comprehensive Web sites regarding all disaster recovery activities assisted with these funds, and detect and prevent waste, fraud, and abuse of funds. Departmental guidance to assist in preventing a duplication of benefits is provided in a notice published in the **Federal Register** on November 16, 2011 (76 FR 71060). The Department has also issued guidance that addresses the duplication of benefits and disaster recovery assistance provided by the U.S. Small Business Administration. That guidance is available at: *http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/dri.* To provide a basis for the Secretary to make the certification, each grantee must submit documentation to the Department demonstrating its compliance with the above requirements. Grantees must submit the required documentation listed in paragraph A.1.i. under section VI of the March 5, 2013, Notice. Additional information is available in section III of the March 5, 2013, Notice and on HUD's CPD Disaster Recovery Web site (see ''Guide for Review of Financial Management'' and ''Certification Checklist'').

All grantees must comply with the reporting, procedural, and monitoring requirements described in section VI. A. Grant Administration, in the March 5, 2013, Notice. HUD requires grantees to submit a projection of expenditures and outcomes to ensure funds are expended in a timely manner, and to track proposed versus actual performance (guidance on the preparation of the projections is available on HUD's CPD Disaster Recovery Web site). Grantees are also required to ensure all contracts (with subrecipients, recipients, and contractors) clearly stipulate the period of performance or the date of completion. Finally, grantees must enter expected completion dates for each activity in HUD's Disaster Recovery Grant Reporting (DRGR) system. When target dates are not met, grantees are required to explain why in the activity narrative. The Department will institute risk analysis and on-site monitoring of grantee management as well as collaborate with the HUD Office of Inspector General to plan and implement oversight of these funds.

## IV. Overview of Grant Process

To begin expenditure of CDBG–DR funds, the following expedited steps are necessary:

- Grantee adopts citizen participation plan for disaster recovery in accordance with the requirements of this Notice and the March 5, 2013, Notice;
- Grantee consults with stakeholders, including required consultation with affected local governments and public housing authorities;
- Within 30 days of the effective date of this Notice (or when the grantee submits its Action Plan, whichever is sooner), grantee submits evidence that it has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Stafford Act, ensure timely expenditure of funds, maintain comprehensive Web sites regarding all disaster recovery activities assisted with these funds, and detect and prevent waste, fraud, and abuse of funds;
- Grantee publishes its Action Plan for Disaster Recovery on the grantee's official Web site for no less than 7 calendar days to solicit public comment;
- Grantee responds to public comment and submits its Action Plan (which includes Standard Form 424 (SF–424) and certifications) to HUD no later than 90 days after the effective date of this Notice;
- HUD expedites review of Action Plan (allotted 45 days from date of receipt; however, completion of review is anticipated much sooner) and approves the Plan according to criteria identified in the March 5, 2013, Notice;
- HUD sends an Action Plan approval letter, grant conditions, and unsigned grant agreement to the grantee. If the Action Plan is not approved, a letter will be sent identifying its deficiencies; the grantee must then re-submit the

Action Plan within 45 days of the notification letter;

- Grantee ensures that the HUD-approved Action Plan is posted on its official Web site;
- Grantee signs and returns the fully executed grant agreement;
- HUD signs the grant agreement and establishes the proper amount in a line of credit for the grantee;
- Grantee requests and receives DRGR system access (if the grantee does not already have it);
- If it has not already done so, grantee enters the activities from its published Action Plan into DRGR and submits it to HUD within the system (funds can be drawn from the line of credit only for activities that are established in DRGR);
- The grantee may draw down funds from the line of credit after the Responsible Entity completes applicable environmental review(s) pursuant to 24 CFR part 58 and, as applicable, under the clarifying note in paragraph 20 in the March 5, 2013, Notice, receives from HUD or the State an approved Request for Release of Funds and certification;
- Grantee begins to draw down funds within 60 days of obligation (funds are obligated when HUD signs the grant agreement);
- Grantee amends its published Action Plan to include its projection of expenditures and outcomes within 90 days of the Action Plan approval; and
- Grantee updates its full consolidated plan to reflect disaster-related needs no later than its Fiscal Year 2015 consolidated plan update.

## V. Applicable Rules, Statutes, Waivers, and Alternative Requirements

The Appropriations Act authorizes the Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements are based upon a determination by the Secretary that good cause exists and that the waiver or alternative requirement is not inconsistent with the overall purposes of title I of the HCD Act. Regulatory waiver authority is also provided by 24 CFR 5.110, 91.600, and 570.5.

This section describes the rules, statutes, waivers, and alternative requirements that apply to grantees receiving an allocation under this Notice. Grantees may request additional waivers and alternative requirements from the Department as needed to address specific needs related to their recovery activities. The Appropriations Act requires that regulatory waivers be published in the **Federal Register** no later than five days before the effective date of such waiver.

1. *Incorporation of waivers, alternative requirements, and statutory changes previously described.* The waivers and alternative requirements provided in the March 5, 2013, Notice, as clarified or modified by the April 19, 2013, Notice, apply to each grantee receiving an allocation of funds under this Notice, except as modified herein. These waivers and alternative requirements provide additional flexibility in program design and implementation to support full recovery following the disasters of 2013, while also ensuring that statutory requirements unique to the Appropriations Act are met. The following clarifications or modifications apply to grantees in receipt of an allocation under this Notice:

a. All submission deadlines regarding the Secretary's certification or the Action Plan, referenced in this Notice or previous notices, are triggered by the effective date of this Notice.

b. Paragraph VI.A.1.a.(1) of the March 5, 2013, Notice is hereby amended by striking the contacts listed for other Federal agencies at 78 FR 14333. Grantees seeking updated information about assistance provided by other Federal agencies or remaining unmet needs should contact their CPD Representative.

c. Paragraph VI.A.1.a.(6) of the March 5, 2013, Notice, at 78 FR 14334, is hereby amended by deleting that paragraph and replacing it in its entirety with the following: A description of how the grantee will identify and address (if needed) the rehabilitation (as defined at 24 CFR 570.202), reconstruction, and replacement of the following types of housing affected by the disaster: public housing (including administrative offices), HUD-assisted housing (defined at subparagraph (1) of the March 5, 2013, Notice, at 78 FR 14332), McKinney-Vento-funded shelters and housing for the homeless—including emergency shelters and transitional and permanent housing for the homeless, and private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program. As part of this requirement, each grantee must work with any impacted Public Housing Authority (PHA), located within its jurisdiction, to identify the unmet needs of damaged public housing. If unmet needs exist once funding under this Notice becomes available to the grantee, the grantee must work directly with the impacted PHA(s) to identify necessary costs, and ensure adequate funding is dedicated to the recovery of the damaged public housing. Grantees are reminded that public housing is eligible for FEMA Public Assistance; thus, they must ensure that there is no duplication of benefits when using CDBG–DR funds to assist public housing.

d. Paragraph VI.A.1.(j) of the March 5, 2013, Notice, at 78 FR 14337, is hereby amended. The disbursement of grant funds must begin within 60 days after funds have been obligated. Funds are obligated the day HUD signs the grant agreement.

e. Any waiver or alternative requirement (described in the March 5, 2013, or April 19, 2013, Notices) that is restricted to one or more grantees cited by the waiver or alternative requirement, is only applicable to the cited grantee(s).

2. *Modifications to the notice published May 29, 2013 (78 FR 32262)—for grantees in receipt of CDBG–DR funds for disasters that occurred in 2011 or 2012.*

a. In regards to Table 2—Counties and Parishes Eligible for CDBG–DR Assistance, Wyoming County is added as a most impacted and distressed county within the Commonwealth of Pennsylvania. The reference to Newton County is deleted.

b. In regards to Table 1—Allocations for Disasters Occurring in 2011 or 2012, the State of Louisiana's grant is reduced to $64,379,084, while the award to St. Tammany Parish is increased to $10,914,916. As a result, Table 2—Counties and Parishes Eligible for CDBG–DR Assistance, is modified to require the State to spend a minimum of $43,023,484 in the parishes determined to be the most impacted and distressed.

## VI. Duration of Funding

The Appropriations Act requires that HUD obligate all funds provided under Chapter 9, Community Development Fund, not later than September 30, 2017. Concurrently, section 904(c) of the Appropriations Act requires that all funds be expended within two years of the date HUD obligates funds. Therefore, each grantee must expend all funds within two years of the date HUD signs the grant agreement with the grantee. Note that if a grantee amends its Action Plan to program additional funds that HUD has allocated to it, the grant agreement must also be revised. The requirement for each grantee to expend funds within two years is triggered by each amendment to the grant agreement

meaning that each grant amendment has its own expenditure deadline.

## VII. Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for the disaster recovery grants under this Notice is as follows: 14.269.

## VIII. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the docket file must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

Dated: December 9, 2013.

**Mark Johnston,**

*Deputy Assistant Secretary for Special Needs Programs.*

## Appendix A—Allocation Methodology

### Background

*Public Law 113–2 states:*

*For an additional amount . . . for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to Hurricane Sandy and other eligible events in calendar years 2011, 2012, and 2013, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.):*

Provided, *That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary of Housing and Urban Development:*

Provided further, *That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this division based on the best available data:*

Provided further, *That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas. . . .*

The legislation further specifies that the funds are not to be used for activities reimbursable by or for which funds are made available by FEMA or the Corps of Engineers.

The language also calls for HUD to use ''best available'' data to make its allocation. For this allocation, similar to prior allocations, HUD made a determination of unmet needs by estimating unmet needs related to the main intended uses of the funds:

- ''restoration of . . . housing''. HUD made an estimate with best available data on the amount of housing damage not likely to be covered by insurance, SBA disaster loans, or FEMA housing assistance (see below for more details).
- ''economic revitalization''. HUD made an estimate with best available data on the amount of damage to businesses declined for an SBA loan, usually because of inadequate credit or income to support the needed loan amount (see below for more details).
- ''restoration of infrastructure''. HUD calculated infrastructure need as the match required to address the FEMA estimates for repair of permanent infrastructure in the FEMA Public Assistance program (see below for more details).
- ''in the most impacted and distressed areas''. To target the funds to the most impacted and distressed areas, HUD limited its calculation to ''severe needs in areas of concentrated damage'':
  - Severe Needs: Only homes and businesses categorized as severe or major-high damage were included in the calculation (see below for more details).
  - Concentration: Only counties and parishes with greater than $10 million in severe housing and business needs were included for the calculation.

HUD's calculates the CDBG–DR grants in this Notice by summing an estimate of severe unmet needs in the most impacted and distressed communities using ''best available data''. The final allocation is equal to 70% of the grantee's total estimate of severe ''unmet needs,'' a proportion similar to other grantees funded through PL 113–2.

### Methodology for Calculating Unmet Needs

*Available Data*

The ''best available'' data HUD staff have identified as being available to calculate unmet needs at this time for the targeted disasters come from the following data sources:

- FEMA Individual Assistance program data on housing unit damage;
- SBA for management of its disaster assistance loan program for housing repair and replacement;
- SBA for management of its disaster assistance loan program for business real estate repair and replacement as well as content loss;
- FEMA Public Assistance data and preliminary infrastructure assessments for Oklahoma by HUD staff.

*Calculating Unmet Housing Needs*

The core data on housing damage for both the unmet housing needs calculation and the concentrated damage are based on home inspection data for FEMA's Individual Assistance program. For unmet housing needs, the FEMA data are supplemented by Small Business Administration data from its Disaster Loan Program. HUD calculates ''unmet housing needs'' as the number of housing units with unmet needs times the estimated cost to repair those units less repair funds already provided by FEMA, where:

- Each of the FEMA-inspected owner units are categorized by HUD into one of five categories:
  - Minor-Low: Less than $3,000 of FEMA-inspected *real property* damage
  - Minor-High: $3,000 to $7,999 of FEMA-inspected *real property* damage
  - Major-Low: $8,000 to $14,999 of FEMA-inspected *real property* damage
  - Major-High: $15,000 to $28,800 of FEMA-inspected *real property* damage and/or 4 to 6 feet of flooding on the first floor.
  - Severe: Greater than $28,800 of FEMA-inspected *real property* damage or determined destroyed and/or 6 or more feet of flooding on the first floor.
  - *Note, if a FEMA-inspected unit only had basement flooding and $15,000 or more of FEMA-inspected real property damage, the unit is categorized as Major-Low damage*

To meet the statutory requirement of ''most impacted'' in this legislative language, homes are determined to have a high level of damage if they have damage of ''major-high'' or ''severe''. That is, the homeowner has real property FEMA-inspected damage of $15,000 or flooding over 4 feet. Furthermore, a homeowner is determined to have unmet needs if s/he has received a FEMA grant to make home repairs. For homeowners with a FEMA grant and insurance for the covered event, HUD assumes that the unmet need ''gap'' is 20 percent of the difference between total damage and the FEMA grant.

Since data for the Colorado disaster was preliminary at the time of this allocation, assumptions are made about the likely percent of damage not covered by insurance for homeowners with pending FEMA applications. This is assumed to increase by severity of damage to the home. The assumptions applied to ascertain the range of allocations were 50 percent for homes with major-high damage; and 70 percent for homes with severe damage in Colorado.

- FEMA does not inspect rental units for real property damage so personal property damage is used as a proxy for unit damage. Each of the FEMA-inspected renter units are categorized by HUD into one of five categories:
  - Minor-Low: Less than $1,000 of FEMA-inspected *personal property* damage
  - Minor-High: $1,000 to $1,999 of FEMA-inspected *personal property* damage
  - Major-Low: $2,000 to $3,499 of FEMA-inspected *personal property* damage (if basement flooding only, damage categorization is capped at major-low)
  - Major-High: $3,500 to $7,499 of FEMA-inspected *personal property* damage or 4 to 6 feet of flooding on the first floor.

○ Severe: Greater than $7,500 of FEMA-inspected *personal property* damage or determined destroyed and/or 6 or more feet of flooding on the first floor.

○ *Note, if a FEMA-inspected unit only had basement flooding and $3,500 or more of FEMA-inspected personal property damage, the unit is categorized as Major-Low damage.*

For rental properties, to meet the statutory requirement of ''most impacted'' in this legislative language, homes are determined to have a high level of damage if they have damage of ''major-high'' or ''severe''. That is, they have a FEMA personal property damage assessment of $3,500 or greater or flooding over 4 feet. Furthermore, landlords are presumed to have adequate insurance coverage unless the unit is occupied by a renter with income of $30,000 or less. Units that are occupied by a tenant with income less than $30,000 are used to calculate likely unmet needs for affordable rental housing. For those units occupied by tenants with incomes under $30,000, HUD estimates unmet needs as 75 percent of the estimated repair cost.

• The average cost to fully repair a home for a specific disaster *to code* within each of the damage categories noted above is calculated using the average real property damage repair costs determined by the Small Business Administration for its disaster loan program for the subset of homes inspected by both SBA and FEMA. Because SBA is inspecting for full repair costs up to what is required in existing local building codes, it is presumed to reflect the full cost to repair the home, which is generally more than the FEMA estimates on the cost to make the home habitable. Note that SBA estimates do not cover resiliency costs above and beyond what is required in existing local building codes. If fewer than 100 SBA inspections are made for homes within a FEMA damage category, the estimated damage amount in the category for that disaster has a cap applied at the 75th percentile of all damaged units for that category for all disasters and has a floor applied at the 25th percentile.

*Calculating Unmet Infrastructure Needs*

• To best proxy unmet infrastructure needs, HUD uses data from FEMA's Public Assistance program on the state match requirement (usually 25 percent of the estimated public assistance needs). This allocation uses only a subset of the Public Assistance damage estimates reflecting the categories of activities most likely to require CDBG funding above the Public Assistance and state match requirement. Those activities are categories: C—Roads and Bridges; D—Water Control Facilities; E—Public Buildings; F—Public Utilities; and G—Recreational—Other. Categories A (Debris Removal) and B (Protective Measures) are largely expended immediately after a disaster and reflect interim recovery measures rather than the long-term recovery measures for which CDBG funds are generally used.

• Because Public Assistance damage estimates are available only statewide (and not at the county level), estimates of unmet infrastructure needs were sub-allocated to counties and local jurisdictions based on each jurisdiction's proportion of unmet housing and business needs.

• At the time of this allocation, data from the FEMA Public Assistance program were not yet available for Oklahoma. Therefore, this allocation relies on early HUD field staff estimates for total damages to infrastructure, equipment, parks, and public buildings. We then assume insurance coverage of 60% (roughly the same coverage as seen in FEMA assisted owner-occupants in this disaster) and a state match requirement of 25% from the FEMA Public Assistance program.

*Calculating Economic Revitalization Needs*

• Based on SBA disaster loans to businesses, HUD used the sum of real property and real content loss of small businesses not receiving an SBA disaster loan. Because applications denied for poor credit or income are the most likely measure of requiring the type of assistance available with CDBG recovery funds, the calculated unmet business needs for each state are adjusted upwards by the proportion of applications that were received for a disaster for which SBA did not calculate content and real property loss because the applicant had inadequate credit or income. For example, if a state had 160 applications for assistance, 150 had calculated needs and 10 were denied in the pre-processing stage for not enough income or poor credit, the estimated unmet need calculation would be increased as (1 + 10/160) * calculated unmet real content loss.

• Similar to housing, estimated damage is used to determine what unmet needs will be counted as severe unmet needs. Only properties with total real estate and content loss in excess of $65,000 are considered severe damage for purposes of identifying the most impacted areas.

○ Category 1: real estate + content loss = below 12,000

○ Category 2: real estate + content loss = 12,000—30,000

○ Category 3: real estate + content loss = 30,000—65,000

○ Category 4: real estate + content loss = 65,000—150,000

○ Category 5: real estate + content loss = above 150,000

• Since SBA business needs are best measured at the county level, HUD estimates the distribution of needs to local entitlement jurisdictions based on the distribution of unmet housing needs, when necessary.

• Since data for the Colorado disaster was preliminary at the time of this allocation, HUD deflates the estimate of unmet business needs by 15% to account for expected SBA denial rates.

**Methodology for Determining the Amount a Grantee Must Expend in Most Impacted and Distressed Counties**

To ensure that funds are dedicated to the most impacted and distressed areas, 80 percent of the combined total of all the funds awarded within a state (this includes funds awarded directly to a State as well as those funds awarded directly to local governments) must be spent in the ''most impacted and distressed'' counties (i.e., those identified by HUD as having more than $10 million in estimated unmet severe housing and business needs). Since a local government receiving a direct grant allocation must spend the entirety of its grant within its jurisdiction, HUD has identified the remaining amount of each grant awarded directly to a State that must be expended within its ''most impacted'' counties in order to reach the 80 percent threshold. Oklahoma must spend a minimum of $3,220,000 within Cleveland County to ensure 80 percent of the combined total of all the funds awarded within the state is spent in the ''most impacted'' county. The State of Colorado must spend a minimum of $50,240,000 within Boulder, Weld, and Larimer Counties to meet this requirement. Because of the large grant to entitlement communities in Illinois relative to the State grant, there is no minimum requirement for the State of Illinois.

The principle behind the 80 percent rule is that each State received its allocation based on the estimated unmet needs in the most impacted counties (i.e., those counties with more than $10 million in severe unmet housing and business needs) and, thus, HUD is requiring that each State direct these limited resources toward those most impacted counties. Nonetheless, HUD recognizes that there may be circumstances where data regarding damage estimates are subsequently revised, highly localized damage may occur outside of the most impacted counties, or overall recovery would otherwise benefit from expenditures outside of those most impacted counties. As a result, HUD is permitting States to spend the portion of its award in excess of the 80 percent threshold to address recovery needs outside of its ''most impacted'' counties. However, these funds must still be spent within counties that received a Presidential disaster declaration in 2013. See the below table for further explanation:

| State | Direct/state grantee designation | CDBG–DR Allocation | Minimum % spent in most impacted county(ies) | Minimum $ spent in most impacted county(ies) |
|---|---|---|---|---|
| CO | State Grant | 62,800,000 | 80 | $50,240,000 |
| | Total | 62,800,000 | | 50,240,000 |
| IL | Direct Grantees | 25,200,000 | 100 | 25,200,000 |

| State | Direct/state grantee designation | CDBG–DR Allocation | Minimum % spent in most impacted county(ies) | Minimum $ spent in most impacted county(ies) |
|---|---|---|---|---|
| | State Grant | 3,600,000 | 0 | 0 |
| | Total | 28,800,000 | | 25,200,000 |
| OK | Direct Grantees | 26,300,000 | 100 | 26,300,000 |
| | State Grant | 10,600,000 | 30.4 | 3,220,000 |
| | Total | 36,900,000 | | 29,520,000 |

[FR Doc. 2013–29834 Filed 12–13–13; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5747–N–01]**

## Public Housing Assessment System (PHAS) Capital Fund Interim Scoring Notice: Reinstitution of Five Points for Occupancy Sub-Indicator and Request for Comment

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** This notice advises public housing agencies (PHAs), as well as members of the public, that HUD intends to reinstitute, temporarily, the award of 5 points for the occupancy sub-indicator of the Capital Fund Program Indicator to all PHAs for the PHAS Capital Fund Program Indicator. This award of points is provided as regulatory relief from a non-statutory element of PHAS and intended to help lessen the impact of decreases in funding in recent appropriations acts. Adding automatic points for the occupancy sub-indicator will allow PHAs to focus on the statutory criteria for assessing performance under the Capital Fund Indicator, which is timely obligation of the Capital Funds and will in no way limit HUD's oversight and monitoring of PHAs.

HUD welcomes public comment on the scoring adjustment HUD intends to make as provided in this notice.

**DATES:** *Effective Date:* December 16, 2013.

*Comment due date:* January 15, 2014.

**ADDRESSES:** Interested persons are invited to submit comments regarding this notice to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

**Note:** To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule. *No Facsimile Comments.* Facsimile (FAX) comments are not acceptable.

*Public Inspection of Public Comments.* All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 1–800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Claudia J. Yarus, Real Estate Assessment Center (REAC), Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW., Suite 100, Washington, DC 20410, telephone 202–475–8830 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339. Additional information is available from the REAC Internet site at *http://www.hud.gov/offices/reac/.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

The purpose of PHAS is to provide a management tool for measuring the performance of a PHA in essential housing operations of projects, on a program-wide basis and individual project basis. PHAS measures a PHA's performance through four indicators: physical condition, financial condition, management operations and performance under the Capital Fund Program. Each of these indicators contains subindicators, and the scores for the subindicators are used to determine a single score for each of these PHAS indicators. The PHAS regulations, codified at 24 CFR part 902, were revised and updated by an interim rule published on February 23, 2011, at 76 FR 10136.

The Capital Fund Program Indicator consists of two subindicators. One subindicator required by statute focuses on the time taken by a PHA to obligate Capital Funds (see 42 U.S.C. 1437g(j)). The other subindicator, which is regulatory, focuses on a PHA's occupancy rate as of the end of a PHA's fiscal year. Each subindicator is worth up to 5 points for a total possible score of 10 points for the Capital Fund Program Indicator. (See 24 CFR 902.50.) In addition to measuring a PHA's occupancy rate under the Capital Fund Program Indicator, a PHA's occupancy

rate is accounted for under another indicator, the management operations indicator, at 24 CFR 902.43(a)(1).

Scoring for this indicator as originally implemented is described in the Capital Fund Scoring Notice, also published on February 23, 2011, at 76 FR 10053. Under this indicator, PHAs can receive up to 5 points for the timeliness of fund obligation and up to 5 points for the occupancy rate. That scoring notice was modified to award an automatic 5 points for the occupancy sub-indicator of the Capital Fund by an interim notice for public comment, 77 FR 34399 (Monday, June 11, 2012), which was, after consideration of the public comments, made final at 78 FR 21623 (April 11, 2013). At that time, this action was done to give PHAs time to adjust their systems and procedures to the new scoring regime.

As a result of automatic across-the-board funding cuts required under the Budget Control Act of 2011, Public Law 112–15 (approved August 2, 2011), which became effect in January 2013, funding for public housing was significantly cut. HUD recognizes PHAs' resources are more severely strained and they need the flexibility to make choices about how Capital Funds are expended in accord with statutory requirements.

Given the current funding environment and the fact that the occupancy rate is also addressed under the management operations indicator, HUD believes that reinstating and extending the automatic 5 points for the occupancy sub-indicator of the Capital Fund Program Indicator is appropriate, and will provide some relief to PHAs as they weigh options for expenditure of limited Capital Funds and will result in no PHA losing any Capital Funds as the result of the non-statutory portion of the regulatory PHAS Capital Fund Program indicator.

## II. Action

This notice advises that HUD will award an automatic 5 points for the Capital Fund occupancy sub-indicator for PHAs with fiscal years ending March 31, 2014, June 30, 2014, September 30, 2014, December 31, 2014, March 31, 2015, June 30, 2015, September 30, 2015, and December 31, 2015.

HUD welcomes public comment on this interim notice, and will consider all significant and relevant issues raised in issuing a final notice.

Dated: December 6, 2013.

**Sandra B. Henriquez,**

*Assistant Secretary for Public and Indian Housing.*

[FR Doc. 2013–29837 Filed 12–13–13; 8:45 am]

BILLING CODE 4210–67–P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5711–N–03]**

## Notice of Regulatory Waiver Requests Granted for the Third Quarter of Calendar Year 2013

**AGENCY:** Office of the General Counsel, HUD.

**ACTION:** Notice.

**SUMMARY:** Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on July 1, 2013, and ending on September 30, 2013.

**FOR FURTHER INFORMATION CONTACT:** For general information about this notice, contact Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street SW., Room 10282, Washington, DC 20410–0500, telephone 202–708–1793 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the third quarter of calendar year 2013.

**SUPPLEMENTARY INFORMATION:** Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from July 1, 2013 through September 30, 2013. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in

time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the third quarter of calendar year 2013) before the next report is published (the fourth quarter of calendar year 2013), HUD will include any additional waivers granted for the third quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: December 9, 2013.

**Helen R. Kanovsky,**

*General Counsel.*

## Appendix

**Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development July 1, 2013 Through September 30, 2013**

**Note to Reader:** More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

I. Regulatory waivers granted by the Office of Community Planning and Development.
II. Regulatory waivers granted by the Office of Housing.
III. Regulatory waivers granted by the Office of Public and Indian Housing.

### I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

▪ *Regulation:* 24 CFR 58.22(a).

*Project/Activity:* The State of Vermont requested a waiver for the acquisition and development of Ladd Hall, an affordable 27-unit multifamily project in Waterbury, VT. The applicant, Central Vermont Community Land Trust (CVCLT), signed a conditional Purchase and Sales (P&S) Agreement for Ladd Hall prior to approval of the environmental review and Request for Release of Funds (RROF). A waiver was needed because the applicant, CVCLT, committed non-HUD funds to enter into a Purchase & Sales Agreement for the property before approval of the environmental review and the submission and HUD approval of the Request for Release of Funds (RROF). No renovation, demolition, or new construction work on the property had begun.

*Nature of Requirement:* Section 58.22 of HUD's regulations entitled ''Limitations on activities pending clearance'' provides that neither a recipient nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD assistance under a program listed in 24 CFR 58.1(b) on an activity or project until HUD or the state has approved the recipient's RROF and the related certification from the responsible entity. In addition, until the RROF and the related certification have been approved, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project under a program listed in 24 CFR 58.1(b) if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.

*Granted By:* Mark Johnston, Deputy Assistant Secretary for Special Needs.

*Date Granted:* August 9, 2013.

*Reason Waived:* It was determined that the project would further the HUD mission and advance HUD program goals to develop viable, quality communities and affordable housing. The grantee unknowingly violated the regulation, but no HUD funds were committed, and based on the environmental assessments and the HUD field inspection, granting the waiver would not result in any unmitigated, adverse environmental impact.

*Contact:* Nelson A. Rivera, Office of Environment and Energy, Office of Community Planning and Development, Department of Housing & Urban Development, 451 7th Street SW., Room 7248, Washington, DC 20410, telephone 202–708–4225.

▪ *Regulation:* 24 CFR 58.22(a).

*Project/Activity:* The city of Somerville, MA requested a waiver for the acquisition and development of a former school site by the Somerville Community Corporation, Inc. The project became a federal undertaking on October 11, 2011 when the city began the National Historic Preservation Act Section 106 consultation process and identified HOME and McKinney-Vento funds as part of the project financing package. A purchase and sales agreement for the property was signed on October 12, 2011 and $5,000 was transferred. The deposit, and another for $50,000 on December 20, 2011, used to hold the property as part of the purchase and sales agreement was non-HUD funds making this a regulatory violation.

*Nature of Requirement:* Section 58.22 of HUD's regulations entitled ''Limitations on activities pending clearance'' provides that neither a recipient nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD assistance under a program listed in 24 CFR 58.1(b) on an activity or project until HUD or the state has approved the recipient's RROF and the related certification from the responsible entity. In addition, until the RROF and the related certification have been approved, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project under a program listed in 24 CFR 58.1(b) if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.

*Granted By:* Mark Johnston, Deputy Assistant Secretary for Special Needs.

*Date Granted:* August 30, 2013.

*Reason Waived:* It was determined that the project would further the HUD mission and advance HUD program goals to develop viable, quality communities and affordable housing. The grantee unknowingly violated the regulation, but no HUD funds were committed, and based on the environmental assessments and the HUD field inspection, granting the waiver would not result in any unmitigated, adverse environmental impact.

*Contact:* Nelson A. Rivera, Office of Environment and Energy, Office of Community Planning and Development, Department of Housing & Urban Development, 451 7th Street SW., Room 7248, Washington, DC 20410, telephone 202–708–4225.

▪ *Regulation:* 24 CFR 91.105(c)(2).

*Project/Activity:* The city of Tuscaloosa, AL, requested a waiver to shorten its citizen comment period so that it could quickly reallocate CDBG funds to assist residents and businesses and facilitate its recovery efforts resulting from a disaster declaration.

*Nature of Requirement:* HUD's regulation at 24 CFR 91.105(c)(2) requires that citizens be provided with reasonable notice and an opportunity to comment on substantial amendments to its consolidated plan. The citizen participation plan requires that citizens be given no less than 30 days to comment on substantial amendments before they are implemented. The city asked to shorten its citizen comment period to seven days so that it may quickly reallocate CDBG funds for activities to assist city residents and businesses continuing to experience difficulties as they recover from the effects of the storm/tornado.

*Granted By:* Mark Johnston, Deputy Assistant Secretary for Special Needs.

*Date Granted:* August 30, 2013.

*Reason Waived:* The city was allowed to shorten its comment period from 30 days to 7 days so that it may quickly implement a prioritized list of projects to assist businesses and residents experiencing difficulty as they continue to recover from the effects of the severe storms and tornado.

*Contact:* Gloria Coates, Office of Block Grant Assistance, Entitlement Communities Division, Office of Community Planning and Development, 451 7th Street SW., Room 7282, Washington, DC 20410, telephone (202) 708–1577.

▪ *Regulations:* 24 CFR 92.503(b)(3).

*Project/Activity:* The State of Minnesota requested a waiver of 24 CFR 92.503(b)(3), which requires funds expended for ineligible activities or costs to be repaid to the account from which they were disbursed.

*Nature of Requirements:* HUD's HOME Investment Partnership Program (HOME) regulations at 24 CFR 92.503(b)(1) provide that any HOME funds invested in housing that does not meet the affordability requirements for the period specified in § 92.252 or § 92.254, as applicable, must be repaid by the participating jurisdiction in accordance with § 92.503(b)(3). Section 92.503(b)(3) provides that HUD will instruct the participating jurisdiction to either repay the funds to the HOME Investment Trust Fund Treasury account or the local account. The State was obligated to repay ineligible HOME funds to the HOME grant from which they were expended. If all or a portion of the total repayment was repaid to an expired account, the repayment would have been

received by HUD but recaptured by the United States Treasury. As a result, the repaid funds would have no longer been available for the State's use in eligible affordable housing activities. Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 *et seq*), as amended, states that such repaid funds shall be made available immediately to the participating jurisdiction for investment in eligible affordable housing activities. In this case, the regulation makes it impossible to meet this statutory provision. The waiver was granted to permit the State to repay its local HOME Investment Trust Fund accounts instead of its HOME Investment Trust Treasury account.

*Granted By:* Mark Johnston, Deputy Assistant Secretary for Special Needs.

*Date Granted:* July 25, 2013.

*Reasons Waived:* Waiver was granted to permit the State to repay funds make the repaid funds available for eligible HOME projects.

*Contact:* Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

▪ *Regulations:* 24 CFR § 92. 92.2(2)(i).

*Project/Activity:* The City of Alexandria, VA, requested a waiver of definition of ''commitment'' at 24 CFR 92.2(2)(i) of the HOME Final Rule for the Lynhaven Apartments project.

*Nature of Requirements:* Section 92.21(2)(i) was amended effective August 23, 2013 to require that a HOME participating jurisdiction ensure that all necessary financing to complete a project has been secured before HOME funds are committed to the project. The City requested the waiver to permit it to commit HOME funds that would otherwise be lost to a September 30, 2013, deadline. The City stated that it did not anticipate the change in definition of ''commitment'' that was made effective in the new HOME rule because the definition change was not part of the HOME proposed rule published on December 11, 2011. The short time between the publication of the HOME final rule and the City's September 30, 2013, deadline was insufficient to enable the City identify another project to which it could quickly commit its HOME funds.

*Granted By:* Mark Johnston, Deputy Assistant Secretary for Special Needs.

*Date Granted:* September 25, 2013.

*Reasons Waived:* The waiver was granted based upon the abbreviated period of time the City had between the publication of the new regulation and its commitment deadline to identify an alternate project to which to commit its HOME funds. The waiver, which permits the City to commit HOME funds to the Lynhaven rehabilitation project while its applications for bond financing and Low-Income Housing Tax Credits (LIHTC) are pending, is conditioned on the project securing this financing based upon the schedule submitted to HUD.

*Contact:* Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

▪ *Regulations:* 24 CFR 92.252(e) and 24 CFR 92. 92.254(a)(4).

*Project/Activity:* The City of New Orleans, LA, requested that HUD waive the affordability period set forth in 24 CFR 92.252(e) and 92.254(a)(4) for 31 HOME-assisted projects that were destroyed during Hurricanes Katrina and Rita in 2005, and Gustav in 2008.

*Nature of Requirements:* The HOME regulations at 24 CFR 92.252–(e) and 92.254(a)(4) set forth the minimum required affordability period for HOME-assisted rental projects and homebuyer projects, respectively. The City invested a total of $1,422,742.72 of HOME funds in 31 rental and homebuyer projects that were destroyed or irreparably damaged as a result of three Presidentially-declared major disasters. Consequently, they did not meet their required affordability periods due to circumstances beyond the City's control.

*Granted By:* Mark Johnston, Deputy Assistant Secretary for Special Needs.

*Date Granted:* September 13, 2013.

*Reasons Waived:* The waiver was granted to reduce the affordability periods under § 92.252(e) and 92.254(a)(4) to the useful life of these projects which ended when the properties were destroyed or severely damaged by Hurricanes Katrina, and Rita in 2005, and Gustav, in 2008.

*Contact:* Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

▪ *Regulation:* Neighborhood Stabilization Program 3 Notice, published on October 9, 2010, at 75 FR 64333 (II.H.3.f) in accordance with Title XII of Division A under the heading Community Planning and Development: Community Development Fund of the American Recovery and Reinvestment Act of 2009.

*Project/Activity:* Clark County, NV, requested a waiver of the 10 percent demolition cap under the Neighborhood Stabilization Program which restricts grantees from spending more than 10 percent of total grant funds on demolition activities. Clark County requested a waiver to spend $3,540,526.00 or approximately seventeen and one-half percent of its NSP3 allocation of $20,253,261.00 on the demolition of asbestos infected structures.

*Nature of Requirement:* Section II.H.3.f of the NSP3 Notice provides that a grantee may not use more than ten percent of its grant for demolition activities.

*Granted By:* Mark Johnston, Deputy Assistant Secretary for Special Needs.

*Date Granted:* August 1, 2013.

*Reason Waived:* Clark County requested a waiver to spend $3,540,526.00 or approximately seventeen and one-half percent of its NSP3 allocation of $20,253,261.00 on the demolition of asbestos infected structures. Clark County provided statistical data supporting the presence of asbestos in many units which caused demolition costs to be significantly higher than initially expected. Consequently, Clark County was granted a waiver of the expenditure of funds for demolition. Demolition activities target NSP3 investment neighborhoods and remove safety hazards and the destabilizing influence of blighted properties.

*Contact:* Jessie Handforth Kome, Deputy Director, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7286, Washington, DC 20410, telephone (202) 402–5539.

## II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

▪ *Regulation:* 24 CFR 200.85(b).

*Project/Activity:* North Point II, Fort Smith, Arkansas, Project Number: 082–35448.

*Nature of Requirement:* Section 200.85(b) of HUD's regulation provides that ''A covenant against repayment of a Commissioner approved inferior lien from mortgage proceeds other than surplus cash or residual receipts, except in the case of an inferior lien created by an operating loss loan insured pursuant to Section 223(d) of the [National Housing] Act, or a supplemental loan insured pursuant to Section 241 of the Act.''

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* July 8, 2013.

*Reason Waived:* The Arkansas Development Finance Authority (ADFA), the state housing allocation agency does not allow HOME loans without required payments of principal and interest. To meet ADFA requirements, the borrower requested the use of operating funds to repay the $400,000 HOME loan. The award of Low-Income Housing Tax Credits (LIHTC) is tied to the allocation HOME funds. If the borrower did not accept the HOME funds, the project would not have qualified LIHTC. This approved waiver for Section 223(a)(7)/221(d)(4) Refinance is the second waiver for the subject property. The first waiver was approved for the subject project on March 24, 2010, when the application was submitted as a Section 221(d)(4) new constructions with LIHTC.

*Contact:* Theodore K. Toon, Director, Office of Multifamily Housing Development, HTD, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 402–8386.

▪ *Regulation:* Mortgagee Letter (ML) 2011–22, Condominium Project Approval and Processing Guide, Insurance Requirements (Baseline Condo Guidance—ML serves as regulation as defined under HERA). (See *http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/letters/mortgagee/2011ml.*)

*Project/Activity:* FHA Concentration Waiver for Vinewood Village Condominium located in the City of Wyandotte, Michigan.

*Nature of Requirement:* ML 2011–22 states that FHA will not insure any mortgage in an approved project if 50 percent or more of the units are FHA-insured.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 20, 2013.

*Reason Waived:* The Vinewood Village Condominium does not meet the exception policy defined in ML 2011–22. However, to help ensure the availability of the affordable housing contained within the Vinewood Village Condominium and HUD's objectives to expand the availability of affordable sustained homeownership opportunities for low-to-moderate income borrowers the waiver was determined necessary. The sale of condominium units is vital to the recovery of the housing market.

*Contact:* Joanne B. Kuczma, Housing Program Officer, Office of Single Family Program, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410–8000, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 200.72.

*Project/Activity:* St. Barnabas Hospital (SBH) is a 461-bed, not-for-profit community hospital and Level 1 Trauma Center. SBH is located in Bronx County, New York.

*Nature of Requirement:* The regulation mandates the project when completed shall not violate any material zoning or deed restrictions applicable to the project site, and shall comply with all applicable building and other governmental codes, ordinances, regulations and requirements.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* July 24, 2013.

*Reason Waived:* The Hospital does not meet all of the applicable building codes, because it does not have a Permanent Certificate of Occupancy (PCO) for the building, but has a Temporary Certificate of Occupancy. It was determined that SBH would be able to move to Final Endorsement, enabling the purchase and installation of a new boiler system, which will have significant financial benefits for SBH, allowing a savings of approximately $3,000,000 annually in operating expenses.

*Contact:* Shelley M. McCracken-Rania, Senior Financial Analyst, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 2237, Washington, DC 20410, telephone (202) 402–5366.

▪ *Regulation:* 24 CFR 219.220(b).

*Project/Activity:* Villanova Apartments—FHA Project Number 117–35219, Lawton, Oklahoma. The owner is requesting to defer repayment of the Flexible Subsidy loans on this project because of the owner's inability to repay the loan in full or partially upon maturity.

*Nature of Requirement:* Section 219.220(b) of HUD's regulations governs the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects prior to May 1, 1996 states: ''Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy loan would be repaid, in whole, at that time.''

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* September 5, 2013.

*Reason Waived:* This waiver was granted to exempt the non-profit owner from the requirement to repay the Flexible Subsidy Loan upon prepayment/refinance of Section 221(d)(4) loan and recapitalize the project to allow for needed repairs and improvement. It was determined that these efforts would assure that residents are not displaced and that the project would be able to meet or exceed the HUD's standard for providing safe, decent, sanitary and affordable housing for the Lawton, Oklahoma community.

*Contact:* Mark B. Van Kirk, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6160, Washington, DC 20410, telephone (202) 708–3730.

▪ *Regulation:* 24 CFR 219.220(b).

*Project/Activity:* Vineville Christian Towers—FHA Project Number 061–SH010, Macon, Georgia. The owner has requested a deferral of repayment of the Flexible Subsidy Operating Assistance Loan on this project to allow a longer term to pay off the loan.

*Nature of Requirement:* Section 219.220(b) of HUD's regulations governs the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects prior to May 1, 1996 states: ''Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy loan would be repaid, in whole, at that time.''

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* September 5, 2013.

*Reason Waived:* The owner was allowed to waive the provision to defer repayment of the Flexible Subsidy Operating Assistance Loan because the owner could not afford to rehabilitate the property and repay the loan in full or partially upon maturity. It was determined that granting the waiver would allow the owner to refinance the loan and facilitate rehabilitation of the project. The refinance will enable the owner to recapitalize the property and preserve the 196 units of affordable housing for an additional 40 years.

*Contact:* Mark B. Van Kirk, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6160, Washington, DC 20410, telephone (202) 708–3730.

▪ *Regulation:* 24 CFR 219.220(b).

*Project/Activity:* Denver Metro Village—FHA Project Number 101–44802, Denver, Colorado. The owner is requesting to defer repayment of the Flexible Subsidy loans on this project because of the owner's inability to repay the loans in full or partially upon maturity.

*Nature of Requirement:* Section 219.220(b) of HUD's regulations govern the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects prior to May 1, 1996 states: ''Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy loan would be repaid, in whole, at that time.''

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* September 5, 2013.

*Reason Waived:* The waiver was granted, allowing the owner to defer repayment of the Flexible Subsidy Operating Assistance Loan, because it was determined that the owner could not afford to rehabilitate the property and repay the loan in full or partially upon maturity. This waiver would allow the owner to refinance the loan and facilitate rehabilitation of the project. The refinance would allow the owner to recapitalize the property and preserve the 192 units of affordable housing for the elderly and handicapped for 20 years from the date of the original mortgage maturity.

*Contact:* Mark B. Van Kirk, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6160, Washington, DC 20410, telephone (202) 708–3730.

▪ *Regulation:* 24 CFR 219.220(b).

*Project/Activity:* Springvale Terrace Apartments—FHA Project Number 024–SH017, Silver Spring, Maryland. The owner is requesting to defer repayment of the Flexible Subsidy loans on this project because the property does not possess resources to repay the loan upon its maturity.

*Nature of Requirement:* Section 219.220(b) of HUD's regulations governs the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects prior to May 1, 1996 states: ''Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy loan would be repaid, in whole, at that time.''

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 8, 2013.

*Reason Waived:* This waiver was granted to exempt the non-profit owner from the requirement to repay the Flexible Subsidy Loan upon prepayment/refinance of Section 202 loan and to recapitalize the project to allow for needed major repairs and improvement. It was determined that these efforts would assure that residents are not displaced and that the project will meet or exceed HUD's standard for providing safe, decent, sanitary and affordable housing for the Silver Spring, Maryland community.

*Contact:* Mark B. Van Kirk, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6160, Washington, DC 20410, telephone (202) 708–3730.

▪ *Regulation:* 24 CFR 242.17(b).

*Project/Activity:* The New York Presbyterian Hospital (NYP) is part of New York Presbyterian Healthcare System, an affiliation of healthcare facilities and providers. NYP is the five-facility, 2,224 bed flagship Hospital of the System. NYP is located in Manhattan, NY.

*Nature of Requirement:* HUD's regulation at 24 CFR 242.17(b) mandates the commitment will provide for insurance of advances of mortgage funds during construction.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* July 24, 2013.

*Reason Waived:* The waiver was granted and provided that advances would be insured prior to construction. This proposed structure would benefit to NYP in lowering the cost of borrowing and reducing the mortgage amount compared to the traditional approach. NYP concludes a ''permanent'' financing eliminates the needs for capitalized interest, up to $25 million.

*Contact:* Shelley M. McCracken-Rania, Senior Financial Analyst, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 2237, Washington, DC 20410, telephone (202) 402–5366.

▪ *Regulation:* 24 CFR 242.42.

*Project/Activity:* The New York Presbyterian Hospital (NYP) is part of New York Presbyterian Healthcare System, an affiliation of healthcare facilities and providers. NYP is the five-facility, 2,224 bed flagship Hospital of the System. NYP is located in Manhattan, NY.

*Nature of Requirement:* HUD's regulation at 24 CFR 242.42 mandates the mortgagor's Certificate of Actual Cost be submitted upon completion of the physical improvements to the satisfaction of HUD and before final endorsement.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* July 24, 2013.

*Reason Waived:* The waiver was granted and provided that the Mortgagor's Certificate of Actual Cost would not be submitted until after ''Same-Day'' endorsement of the loan. This proposed structure would benefit to NYP in lowering the cost of borrowing and reducing the mortgage amount compared to the traditional approach. NYP concludes a ''permanent'' financing eliminates the needs for capitalized interest, up to $25 million.

*Contact:* Shelley M. McCracken-Rania, Senior Financial Analyst, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 2237, Washington, DC 20410, telephone (202) 402–5366.

▪ *Regulation:* 24 CFR 242.72.

*Project/Activity:* Bradford Rehab Associates d.b.a. Whittier Rehabilitation Hospital (Whittier) is an acute rehabilitation hospital and a member of Whittier Health Network. Whittier is located in Bradford, MA.

*Nature of Requirement:* HUD's regulation at 24 CFR 242.72 prohibits the leasing of hospitals by proposed mortgagors, effectively requires that the owner (mortgagor) of the facility and operator of the facility be the same organization.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* September 17, 2013.

*Reason Waived:* The owner and mortgagor lease the Hospital to an operator, BRN Corporation, a member of the Whittier Health Network. Whittier's current long-term debt is at a variable interest rate and terms require it be paid in full on January 24, 2014. The granting of the waiver would allow Whittier's current debt to be refinanced at a long-term, fixed rate.

*Contact:* Shelley M. McCracken-Rania, Senior Financial Analyst, Office of Healthcare Programs Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 2237, Washington, DC 20410, telephone (202) 402–5366.

▪ *Regulation:* 24 CFR 891.100(d).

*Project/Activity:* Wings of Hope, San Antonio, TX, Project Number: 115–HD052/TX59–Q091–002.

*Nature of Requirement:* Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* July 18, 2013.

*Reason Waived:* The project was determined to be economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.100(d).

*Project/Activity:* Findley Place Apartments, Pittsfield, IL, Project Number: 072–EE187/IL06–S101–011.

*Nature of Requirement:* Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 8, 2013.

*Reason Waived:* The project was determined to be economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.100(d).

*Project/Activity:* George Gervin Retirement Apartments, San Antonio, TX, Project Number: 115–EE093/TX59–S091–005.

*Nature of Requirement:* Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 29, 2013.

*Reason Waived:* The project was determined to be economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.100(d).

*Project/Activity:* Focus Outreach Community Development, Louisville, MS, Project Number: 065–HD045/MS26–Q101–001.

*Nature of Requirement:* Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* September 13, 2013.

*Reason Waived:* The project was determined to be economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.100(d) and 24 CFR 891.165.

*Project/Activity:* Housing Opportunities II, Shirley, NY, Project Number: 012–HD137/NY36–Q071–002.

*Nature of Requirement:* Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* July 18, 2013.

*Reason Waived:* The project was determined to be economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all

efforts to obtain additional funding from other sources. Additional time is needed to achieve an initial closing.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.100(d) and 24 CFR 891.165.

*Project/Activity:* Share XIV, Medford, NY, Project Number: 012–HD143/NY36–Q091–003.

*Nature of Requirement:* Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* September 11, 2013.

*Reason Waived:* The project was determined to be economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. Additional time is needed to achieve an initial closing.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* George Gervin Retirement Apartments, San Antonio, TX, Project Number: 115–EE093/TX59–S091–005.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 8, 2013.

*Reason Waived:* Additional time was needed for the project to achieve an initial closing.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* Nativity B.V.M. Place, Philadelphia, PA, Project Number: 034–EE167/PA26–S091–005.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 8, 2013.

*Reason Waived:* Additional time was needed for a decision from the courts involving a zoning appeal filed by a neighbor and for the project to reach an initial closing and start construction.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* Wings of Hope, San Antonio, TX, Project Number: 115–HD052/TX59–Q091–002.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 8, 2013.

*Reason Waived:* Additional time was needed for the project to achieve an initial closing.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* Kenyon Terrace Apartments, Pawtucket, RI, Project Number: 016–HD063/RI43–Q091–006.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 8, 2013.

*Reason Waived:* Additional time was needed for the project to achieve an initial closing and to begin the start of construction.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* Jubilee Station, Charleston, WV, Project Number: 045–HD045/WV15–Q091–002.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 8, 2013.

*Reason Waived:* Additional time was needed for the closing documents to be submitted, for the project to reach an initial closing and start construction.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* Barringer Gardens, Charlotte, NC, Project Number: 053–EE199/NC19–S091–012.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 8, 2013.

*Reason Waived:* Additional time was needed to process the new firm commitment application and initially close the project.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* Orange Tree Senior Apartments, Oroville, Butte County, CA, Project Number: 136–EE097/CA30–S101–008.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 8, 2013.

*Reason Waived:* Additional time was needed for this CAUC project to complete construction and reach initial closing.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* Rosa Parks II Senior Housing, San Francisco, CA, Project Number: 121–EE225/CA39–S101–002.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 8, 2013.

*Reason Waived:* Additional time was needed to achieve an initial closing and to begin the start of construction.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* COMM 22 Seniors, San Diego, CA, Project Number: 129–EE036/CA33–S101–001.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 21, 2013.

*Reason Waived:* Additional time was needed for this capital advance upon completion project to reach initial closing.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* Fairfield Commons I, Stamford, CT, Project Number: 017–HD042/CT26–Q091–001.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* August 23, 2013.

*Reason Waived:* Additional time was needed for this project to achieve an initial closing and to start construction.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* Fairthorne Housing, Philadelphia, PA, Project Number: 034–EE185/PA26–S101–010.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* September 26, 2013.

*Reason Waived:* Additional time was needed to coordinate various funding sources and to negotiate the loan documents for the project to reach initial closing.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

▪ *Regulation:* 24 CFR 891.165.

*Project/Activity:* Ken Crest PA 2010, Spring City, PA, Project Number: 034–HD117/PA26–Q101–004.

*Nature of Requirement:* Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 36 months, as approved by HUD on a case-by-case basis.

*Granted By:* Carol J. Galante, Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* September 26, 2013.

*Reason Waived:* Additional time was needed for this project to reach initial closing.

*Contact:* Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410, telephone (202) 708–3000.

## III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

▪ *Regulation:* 24 CFR 902.20.

*Project/Activity:* New York City Housing Authority, (NY005) New York, NY.

*Nature of Requirement:* The objective of this regulation is to determine whether a housing authority (HA) is meeting the standard of decent, safe, sanitary, and in good repair. The Real Estate Assessment Center (REAC) provides for an independent physical inspection of a HA's property of properties that includes a statistically valid sample of the units.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* July 12, 2013.

*Reason Waived:* New York City Housing Authority (NYCHA) sought a waiver from inspections for the FYE December 31, 2013, for 36 developments that received an inspection score of 80 or above for FY 2011. NYCHA cites the frequency of inspections provision in the PHAS rule as the basis for this waiver because NYCHA's FYE 2011 inspections began in calendar 2012 and were not completed until late that year.

*Contact:* Judy Wojciechowski, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW., Suite 100, Washington, DC 20410, telephone (202) 475–7907.

▪ *Regulation:* 24 CFR 941.606(n)(1)(ii)(B).

*Project/Activity:* Housing Authority of the City of Augusta, Georgia Walton Oaks Family Phase II Project Number: GA0010000190.

*Nature of Requirement:* This regulatory provision requires that ''if the partner and/or owner entity (or any other entity with and identity of interest with such parties) wants to serve as the general contractor for the project or development, it may award itself the construction contract only if it can demonstrate to HUD's satisfaction that its bid is the lowest bid submitted in response to a public request for bids.''

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* August 22, 2013.

*Reason Waived:* The Housing Authority of the City of Augusta submitted an independent cost estimate. HUD reviewed the Mixed-Finance proposal and confirmed that the construction costs for the project were below the independent cost review prepared. HUD also performed a fee analysis that showed all of the construction fees were at or below HUD's Cost Control and Safe Harbor Standards (revised April 9, 2003). On this basis, it was determined that good cause existed to grant the waiver so that the affiliate could serve as the general contractor.

*Contact:* Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4130, Washington, DC 20140, telephone (202) 402–4181.

▪ *Regulation:* 24 CFR 941.606(n)(1)(ii)(B).

*Project/Activity:* Chicago Housing Authority (CHA), Chicago, IL; Dorchester Artist Housing Mixed-Finance transaction.

*Nature of Requirement:* This regulatory provision requires that ''if a partner and/or owner entity (or any other entity with an identity of interest with such parties) wants to serve as the general contractor for a project or development, it may award itself the construction contract only if it can demonstrate to HUD's satisfaction that its bid is the lowest responsive bid submitted in response to a public request for bids.''

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* September 13, 2013.

*Reason Waived:* HUD reviewed the Mixed-Finance proposal and confirmed that the construction costs for the project were below the independent cost review prepared by Construction Cost System submitted by CHA. HUD also performed a fee analysis that showed all of the construction fees were at or below HUD's Cost Control and Safe Harbor Standards (revised April 9, 2003). On this basis, it was determined that good cause existed to grant the waiver so that OVC BCM JV with BCM owned by Brinshore Development, LLC, a member of the development team for the Project, could serve as the general contractor.

*Contact:* Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4130, Washington, DC 20140, telephone (202) 402–4181.

▪ *Regulation:* 24 CFR 982.505(d).

*Project/Activity:* San Diego Housing Commission (SDHC), San Diego, CA

*Nature of Requirement:* HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher

payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* August 13, 2013.

*Reason Waived:* The participant, who is a person with disabilities, required an exception payment standard to remain in her unit. To provide this reasonable accommodation so the client could remain in her unit and pay no more than 40 percent of her adjusted income toward the family share, the SDHC was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

*Contact:* Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

▪ *Regulation:* 24 CFR 982.505(d).

*Project/Activity:* Knoxville Community Development Corporation (KCDC), Knoxville, TN.

*Nature of Requirement:* HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* August 22, 2013.

*Reason Waived:* The participant, whose daughter is a person with disabilities, required an exception payment standard to remain in his current unit that met the needs of his daughter. To provide this reasonable accommodation so that the client could remain in his unit and pay no more than 40 percent of his adjusted income toward the family share, the KCDC was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

*Contact:* Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

▪ *Regulation:* 24 CFR 982.505(d).

*Project/Activity:* Oneonta Housing Authority (OHA), Oneonta, NY.

*Nature of Requirement:* HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* August 22, 2013.

*Reason Waived:* The applicant, who is a person with disabilities, required an exception payment standard to move to a unit that meets the needs of her family. To provide this reasonable accommodation so that the client could move to a new unit and pay no more than 40 percent of its adjusted income toward the family share, the OHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

*Contact:* Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

▪ *Regulation:* 24 CFR 982.505(d).

*Project/Activity:* San Diego Housing Commission (SDHC), San Diego, CA.

*Nature of Requirement:* HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* August 26, 2013.

*Reason Waived:* The participant, who is a person with disabilities, required an exception payment standard to move to a unit that meets his needs. To provide this reasonable accommodation so that the client could move to a new unit and pay no more than 40 percent of his adjusted income toward the family share, the SDHC was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

*Contact:* Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

▪ *Regulation:* 24 CFR 982.505(d).

*Project/Activity:* Sawyer County Housing Authority (SCHA), Sawyer County, WI.

*Nature of Requirement:* HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* September 13, 2013.

*Reason Waived:* The participant, who is a person with disabilities, required an exception payment standard to remain in her unit. To provide this reasonable accommodation so the family could remain in its unit and pay no more than 40 percent of its adjusted income toward the family share, the SCHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

*Contact:* Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

▪ *Regulation:* 24 CFR 983.51.

*Project/Activity:* Galveston Housing Authority (GHA), Galveston, TX.

*Nature of Requirement:* HUD's regulation at 24 CFR 983.51 records the owner proposal selection procedures. These procedures require a current or previous competitive selection.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* September 3, 2013.

*Reason Waived:* This regulation was waived in order to finalize and expedite the redevelopment of public housing that was destroyed due to Hurricane Ike and to address critical housing needs on Galveston Island that would otherwise remain unaddressed.

*Contact:* Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

▪ *Regulation:* 24 CFR 983.51(b), 983.55(b) and 983.153(a).

*Project/Activity:* Norfolk Redevelopment and Housing Authority (NRHA), Norfolk, VA.

*Nature of Requirement:* The first regulation provides that a PHA must select PBV proposals by either of two methods requiring competitive selection. The second regulation provides that a PHA may not enter into an Agreement to enter into a Housing Assistance Payments Contract (AHAP) until HUD or an independent entity approved by HUD has conducted a required subsidy layering review (SLR) and determined that the PBV assistance is in accordance with the HUD SLR requirements. The third regulation provides that the PHA may not enter the AHAP with the owner until the SLR is completed.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* August 14, 2013.

*Reason Waived:* These regulations were waived based on the unique collaborative effort of five communities to provide critical housing for the homeless (including veterans and the disabled and the multitude of funding sources committed to Heron's Landing.

*Contact:* Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

▪ *Regulation:* 24 CFR 983.206(b).

*Project/Activity:* Housing Authority of the City of Milwaukee (HACM), Milwaukee, WI.

*Nature of Requirement:* HUD's regulation at 24 CFR 983.206(b) provides that at the

discretion of the PHA and provided that the total number of units in a project that will receive project-based voucher (PBV) assistance or other project-based assistance will not exceed 25 percent of the number of dwelling units (assisted or unassisted) in the project or the 20 percent of authorized budget authority, a housing assistance payments (HAP) contract may be amended during the three-year period immediately following the execution date of the HAP contract to add additional PBV contract units in the same project.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* August 9, 2013.

*Reason Waived:* This regulation was waived since the original contract for this project was executed in 2004 and waiving this regulation would ensure the financial stability of the HUD-approved mixed finance project.

*Contact:* Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

▪ *Regulation:* 24 CFR 984.303(d).

*Project/Activity:* San Diego County Housing Authority (SDCHA), San Diego County, CA.

*Nature of Requirement:* This regulation limits extensions of Family Self-Sufficiency (FSS) contracts by a public housing agency to two years beyond the initial five-year term of the FSS contract.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* August 29, 2013.

*Reason Waived:* This regulation was waived because failure to complete the contract within the contract term was due to serious health challenges within her family and job market conditions during a severe economic downturn in California.

*Contact:* Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

▪ *Regulation:* 24 CFR 985.101(a).

*Project/Activity:* Ware Housing Authority (WHA), Ware, MA.

*Nature of Requirement:* HUD's regulation at 24 CFR 985.101(a) provides that a PHA must submit the HUD-required Section Eight Management Assessment Program (SEMAP) certification form within 60 calendar days after the end of its fiscal year.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* September 16, 2013.

*Reason Waived:* This waiver was granted since the executive director was terminated by the Board of Directors prior to the due date of the SEMAP certification and no one else had entry rights to submit WHA's certification. WHA was permitted to submit its SEMAP certification after the due date.

*Contact:* Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

▪ *Regulation:* 24 CFR 985.101(a).

*Project/Activity:* Chester Housing Authority (CHA), Chester, SC.

*Nature of Requirement:* HUD's regulation at 24 CFR 985.101(a) provides that a PHA must submit the HUD-required Section Eight Management Assessment Program (SEMAP) certification form within 60 calendar days after the end of its fiscal year.

*Granted By:* Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

*Date Granted:* September 30, 2013.

*Reason Waived:* This waiver was granted since the acting executive director resigned in August prior to the due date of the SEMAP certification and no one else had entry rights to submit CHA's certification. CHA was permitted to submit its SEMAP certification after the due date.

*Contact:* Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

[FR Doc. 2013–29828 Filed 12–13–13; 8:45 am]

BILLING CODE 4210–67–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R5–R–2013–N097; BAC–4311–K9–S3]**

### Patuxent Research Refuge, Prince George's and Anne Arundel Counties, MD; Final Comprehensive Conservation Plan and Finding of No Significant Impact

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of the final comprehensive conservation plan (CCP) and finding of no significant impact (FONSI) for Patuxent Research Refuge (Patuxent RR, refuge), located in Prince George's and Anne Arundel Counties, Maryland. In this final CCP, we describe how we will manage the refuge for the next 15 years.

**ADDRESSES:** You may view or obtain copies of the final CCP and FONSI by any of the following methods. You may request a hard copy or a CD–ROM.

*Agency Web site:* Download a copy of the document at: *http://www.fws.gov/northeast/planning/patuxent/ccphome.html.*

*Email:* Send requests to *northeastplanning@fws.gov.* Include ''Patuxent CCP'' in the subject line of your email.

*Mail:* Bill Perry, Natural Resource Planner, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035.

*Fax:* Attention: Bill Perry, 413–253–8468.

*In-Person Viewing or Pickup:* Call 301–497–5580 to make an appointment (necessary for view/pickup only) during regular business hours at Patuxent RR, 10901 Scarlet Tanager Loop, Laurel, MD 20708. For more information on locations for viewing or obtaining documents, see ''Public Availability of Documents'' under **SUPPLEMENTARY INFORMATION.**

**FOR FURTHER INFORMATION CONTACT:** Brad Knudsen, Refuge Manager, 301–437–5580 (phone) or Bill Perry, Planning Team Leader, 413–253–8688 (phone); *northeastplanning@fws.gov* (email).

**SUPPLEMENTARY INFORMATION:**

### Introduction

With this notice, we finalize the CCP process for Patuxent RR. We started this process through a notice of intent in the **Federal Register** (76 FR 12563) on March 16, 2010. We announced the release of the draft CCP and environmental assessment (EA) to the public and requested comments in a notice of availability in the **Federal Register** (77 FR 24929) on October 10, 2012.

Patuxent RR was established in 1936 by Executive Order by President Franklin D. Roosevelt ''to effectuate further the purposes of the Migratory Bird Conservation Act'' and ''as a wildlife experiment and research refuge.'' The total approved acquisition boundary encompasses 12,841 acres between Baltimore, Maryland, and Washington, DC, an area with one of the highest densities of development in the United States. Currently, about 10,000 of Patuxent RR's 12,841 acres are forest, but the refuge also contains grasslands, freshwater marshes, shrub and early successional forest, and open water. It provides important habitat for a variety of migratory birds of conservation concern. The refuge also offers unique opportunities for environmental education and interpretation in an urban setting. It is home to the U.S. Geological Survey (USGS) Patuxent Wildlife Research Center, a leading international research institute for wildlife and applied environmental research.

We announce our decision and the availability of the FONSI for the final CCP for Patuxent RR in accordance with National Environmental Policy Act

(NEPA) (42 U.S.C. 4321 et seq.) requirements. We completed a thorough analysis of impacts on the human environment, which we included in the draft CCP/EA.

The CCP will guide us in managing and administering Patuxent RR for the next 15 years. Alternative B, as described for the refuge in the draft CCP/EA, and with minor modifications described below, is the foundation for the final CCP.

**Background**

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Refuge Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing to the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Refuge Administration Act.

**CCP Alternatives, Including the Selected Alternative**

Our draft CCP/EA (77 FR 24929) addressed several key issues, including:

- Evaluating reforestation of the refuge.
- Better understanding the implications and trade-offs of habitat management on refuge wildlife.
- Identifying and addressing climate change concerns impacting the refuge.
- Providing more public use opportunities on the refuge.
- Inventorying historic resources on the refuge, providing public access to these resources, and highlighting the historical significance of the refuge.
- Expanding and strengthening partnerships.

To address these issues and develop a plan based on the refuge's establishing purposes, vision, and goals, we evaluated three management alternatives for Patuxent RR in the draft CCP/EA. The alternatives have several actions in common. All alternatives include measures to control invasive species, monitor and abate diseases affecting wildlife and plant health, coordinate with USGS to house and support research efforts, protect cultural resources, continue existing projects managed by outside programs, and minimize impacts from the shooting ranges located on the refuge. There are also several actions that are common to both alternatives B and C. These include using green technology to update refuge buildings and grounds, constructing additional space for environmental education and interpretation classes, and collaborating with stakeholders on a redesign of the shooting ranges. There are other actions that differ among the alternatives. The draft CCP/EA provides a full description of each alternative and relates each to the issues and concerns that arose during the planning process. Below, we provide summaries of the three alternatives.

*Management Alternatives*

Alternative A (Current Management)

Alternative A (current management) satisfies the NEPA requirement of a ''no action'' alternative, which we define as ''continuing current management.'' It describes our existing management priorities and activities, and serves as a baseline for comparing and contrasting alternatives B and C. It would maintain our present levels of approved refuge staffing and the biological and visitor programs now in place. We would continue to manage for and maintain a diversity of habitats, including forests, forested wetlands, pine-oak savannah, grasslands, and scrub-shrub on the refuge. The refuge would continue to provide an active visitor use program that supports environmental education and interpretation, hunting, fishing, and wildlife observation and photography.

Alternative B (Forest Restoration and Mixed Public Use)

This alternative is the Service-preferred alternative. It combines the actions we believe would most effectively achieve the refuge's purposes, vision, and goals, and respond to the issues raised during the scoping period. It emphasizes the management of specific refuge habitats to support species of conservation concern in the Chesapeake Bay region. In particular, it emphasizes forest biodiversity and ecosystem function. This includes the restoration of a number of impoundments and grasslands to forested areas to support forest interior-dwelling bird species and other forest-dependent species. In addition, alternative B strives to promote wildlife-dependent public uses, while allowing for nonwildlife-dependent public uses. In particular, it promotes higher quality hunting and fishing programs, expands wildlife observation and photography opportunities, and initiates new interpretive and environmental education opportunities.

Alternative C (Maximize Forest Interior Restoration and Emphasize Wildlife-dependent Public Use Activities)

Alternative C would focus on maximizing interior forest habitat. This would require active management to restore a majority of impoundments and grasslands into forested areas that would support forest interior-dwelling species, in addition to other species of conservation concern. Alternative C also focuses on accommodating wildlife-dependent public uses while minimizing nonwildlife-dependent uses, particularly by expanding wildlife observation and photography opportunities, and reducing the number of special events and interpretive programming.

**Comments**

We solicited comments on the draft CCP/EA for Patuxent RR from October 10 to November 26, 2012 (77 FR 24929). During the comment period, we received 73 written responses. We evaluated all of the substantive comments we received, and include a summary of those comments, and our responses to them, as appendix I in the final CCP.

**Selected Alternative**

After considering the comments we received on our draft CCP/EA, we made several minor changes to alternative B, including correcting minor editorial, formatting, and typographical errors. These changes are described in the FONSI (appendix H in the final CCP) and in our response to public comments (appendix I in the final CCP).

We have selected alternative B to implement for Patuxent RR, with these minor changes, for several reasons. Alternative B comprises a mix of actions that, in our professional judgment, work best towards achieving the refuge's purposes, vision, and goals, NWRS policies, and the goals of other State and regional conservation plans. We also believe that alternative B most effectively addresses key issues raised during the planning process. The basis of our decision is detailed in the FONSI (appendix H in the final CCP).

**Public Availability of Documents**

You can view or obtain the final CCP, including the FONSI, as indicated under **ADDRESSES**.

Dated: September 30, 2013.

**Wendi Weber,**

*Regional Director, Northeast Region.*

[FR Doc. 2013–29832 Filed 12–13–13; 8:45 a.m.]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–HQ–IA–2013–N283; FXIA16710900000–145–FF09A30000]**

### Endangered Species; Receipt of Applications for Permit

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

**DATES:** We must receive comments or requests for documents on or before January 15, 2014.

**ADDRESSES:** Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov.*

**FOR FURTHER INFORMATION CONTACT:** Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

**SUPPLEMENTARY INFORMATION:**

**I. Public Comment Procedures**

*A. How do I request copies of applications or comment on submitted applications?*

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

*B. May I review comments submitted by others?*

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**II. Background**

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

**III. Permit Applications**

*A. Endangered Species*

Applicant: Dragonwood Conservancy, Eustis, FL; PRT–47027A

The applicant requests amendment of their captive-bred wildlife registration under 50 CFR 17.21(g) to include Cuban ground iguana (*Cyclura nubila nubila*), Grand Cayman blue iguana (*Cyclura lewisi*), and Cayman Brac ground iguana (*Cyclura nubila caymanensis*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Theresa Aronson, Sudbury, MA; PRT–21858B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for golden parakeet (*Guarouba guarouba*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: University of Illinois, Veterinary Diagnostic Laboratory, Maywood, IL; PRT–21469B

The applicant requests a permit to import biological samples from chimpanzee (*Pan troglodytes*) in Kigoma, Tanzania, for the purpose of enhancement of the survival of the species and scientific research on the incidence of disease in the wild population. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Memphis Zoological Garden, Memphis, TN; PRT–671021

The applicant requests renewal of their captive-bred wildlife registration under 50 CFR 17.21(g) for the following families and species, to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

*Family:*

Bovidae
Canidae
Cebidae
Cercopithecidae
Equidae
Felidae (does not include jaguar, margay or ocelot)
Hominidae
Hylobatidae
Lemuridae
Rhinocerotidae
Columbidae
Falconidae
Gruidae
Psittacidae (does not include the thick-billed parrot)

Rallidae
Sturnidae (does not include *Aplonis pelzelni*)
Boidae (does not include Mona boa or Puerto Rican boa)
Columbidae
Crocodylidae (does not include the American crocodile)
Testudinidae
Varanidae

*Species:*

Asian elephant (*Elephas maximus*)
Pygmy slow loris (*Nycticebus pygmaeus*)
Jackass penguin (*Spheniscus demersus*)
Spotted pond turtle (*Geoclemys hamiltonii*)
Aquatic box turtle (*Terrapene coahuila*)

Applicant: San Antonio Zoological Garden, San Antonio, TX; PRT–680140

The applicant requests renewal and amendment of their captive-bred wildlife registration under 50 CFR 17.21(g) for the following families and species, to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

*Family:*

Bovidae
Canidae
Cebidae
Cercopithecidae
Cervidae
Equidae
Felidae (does not include jaguar, margay or ocelot)
Hylobatidae
Lemuridae
Macropodidae
Rhinocerotidae
Tapiridae
Cathartidae
Gruidae
Psittacidae (does not include thick-billed parrot)
Sturnidae (does not include *Aplonis pelzelni*)
Threskiornithidae
Alligatoridae
Boidae (does not include Mona or Puerto Rican boas)
Crocodylidae (does not include American crocodile)
Iguanidae
Testudinidae

*Species:*

Asian elephant (*Elephas maximus*)
Panamanian golden frog *(Atelopus zeteki)*
Parma wallaby *(Macropus parma)*
Babirusa (*Babyrousa babyrussa*)
Pink pigeon (*Nesoenas mayeri*)
Aquatic box turtle (*Terrapene coahuila*)
Spotted pond turtle (*Geoclemys hamiltonii*)
Komodo monitor (*Varanus komodoensis*)
Aruba island rattlesnake (*Crotalus durissus unicolor*)
Japanese giant salamander (*Andrias japonicus*)
Asian bonytongue (*Scleropages formosus)*

Applicant: Ox Ranch, Uvalde, TX; PRT–10867B

The applicant requests renewal and amendment of their captive-bred wildlife registration under 50 CFR 17.21(g) to include the following species: Grevy's zebra (*Equus grevyi*), Asian wild ass (*Equus hemionus*), African wild ass (*Equus africanus*), Przewalski's horse (*Equus przewalskii*), bontebok (*Damaliscus p. pygargus*), seladang (*Bos gaurus*), banteng (*Bos javanicus*), and anoa (*Bubalus depressicornis*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Wade Plouvier, Jacksonville, NC; PRT–17686A

The applicant requests renewal and amendment of their captive-bred wildlife registration under 50 CFR 17.21(g) for the following species: golden parakeet (*Guarouba guarouba*), Vinaceous parrot (*Amazona vinacea*), blue-throated parakeet (*Pyrrhura cruentata*), and blue-throated macaw (*Ara glaucogularis*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Adrian Cieslak, Wallace, SC; PRT–19311B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for African dwarf crocodile (*Osteolaemus tetraspis*), Siamese crocodile (*Crocodylus siamensis*), Nile crocodile (*Crocodylus niloticus*), yacare caiman (*Caiman yacare*), and brown caiman (*Caiman crocodilus fuscus*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Paul Bodnar, Cuyahoga Falls, OH; PRT–030006

The applicant requests amendment of their captive-bred wildlife registration under 50 CFR 17.21(g) to include the following families and species: Crocodilidae and spotted pond turtle (*Geoclemys hamiltonii*), yellow-spotted river turtle (*Podocnemis unifilis*), Cuban ground iguana (*Cyclura nubila nubila*), Grand Cayman blue iguana (*Cyclura lewisi*), and Jamaican boa (*Epicrates subflavus*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Edward Hitchler, Comfort, TX; PRT–18991B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for addax (*Addax nasomaculatus*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Edward Hitchler, Comfort, TX; PRT–18992B

The applicant requests a permit authorizing interstate and foreign commerce, export, and cull of excess addax (*Addax nasomaculatus*) from the captive herd maintained at their facility, for the purpose of enhancement of the survival of the species. This notification covers activities over a 5-year period.

Applicant: Geoffrey Ridder; Utopia, TX; PRT–00030B

The applicant requests a permit to export the sport-hunted trophy/trophies of one Scimitar-horned oryx *(Oryx dammah)* culled from a captive herd maintained in the state of Texas, for the purpose of enhancement of the survival of the species.

Applicant: Close-Up Creatures, LLC, Naples, FL; PRT–19478A

The applicant requests renewal and amendment of their captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

*Species:*

Ring-tailed lemur (*Lemur catta*)
Black and white ruffed lemur (*Varecia variegata*)
Red ruffed lemur (*Varecia rubra*)
Leopard (*Panthera pardus*)
Anoa (*Bubalus depressicornis*)
South American tapir (*Tapirus terrestris*)
Golden parakeet (*Guarouba guarouba*)
Indian python (*Python molurus molurus*)
Nile crocodile (*Crocodylus niloticus*)
Radiated tortoise (*Astrochelys radiata*)
Galapagos tortoise (*Chelonoidis nigra*)

Applicant: University of Kansas Biodiversity Institute, Lawrence, KS; PRT–677648

The applicant requests a renewal of their permit to export and re-import non-living museum specimens of endangered and threatened species of plants and animals previously accessioned into the applicant's collection, for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: David Bahl, Elkhorn, WI; PRT–21782B

Applicant: Wallace Phillips, College Station, TX; PRT–22136B

Applicant: Lynn Stinson, Escalon CA; PRT–22134B

**Brenda Tapia,**

*Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.*

[FR Doc. 2013–29760 Filed 12–13–13; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

**[FWS–R3–ES–2013–N272; FXES11130300000F3–145–FF03E00000]**

## Endangered and Threatened Wildlife and Plants; Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (USFWS), invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act requires that we invite public comment before issuing these permits.

**DATES:** We must receive any written comments on or before January 15, 2014.

**ADDRESSES:** Send written comments by U.S. mail to the Regional Director, Attn: Karl Tinsley, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; or by electronic mail to *permitsR3ES@fws.gov.*

**FOR FURTHER INFORMATION CONTACT:** Karl Tinsley, (612) 713–5330.

**SUPPLEMENTARY INFORMATION:**

### Background

We invite public comment on the following permit applications for certain activities with endangered species authorized by section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*) and our regulations governing the taking of endangered species in the Code of Federal Regulations (CFR) at 50 CFR part 17. Submit your written data, comments, or request for a copy of the complete application to the address shown in **ADDRESSES.**

### Permit Applications

*Permit Application Number:* TE21829B.
*Applicant:* Larisa J. Bishop-Boros, Rochester, NY.

The applicant requests a permit to take (capture and release, with additional authorization for: (a) hibernacula or maternity roost cave entry; (b) salvage dead specimens; (c) capture with harp traps; (d) collection of hair, fecal samples, and wing biopsy punches; and (e) light-tagging) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), Virginia big-eared bats (*Corynorhinus townsendii virginianus*), and Ozark big-eared bats (*Corynorhinus townsendii ingens*) within the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania,, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

*Permit Application Number:* TE62286A.
*Applicant:* Jason B. Whittle, Cuyahoga Falls, OH.

The applicant requests a permit renewal to take (capture and release, with additional authorization for: (a) Capture with harp trap, and (b) collection of hair, wing biopsy punches, and fungal lift tape and/or swab samples) Indiana bats within the States of Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, and Tennessee. The proposed activity is for the recovery and enhancement of survival of the species in the wild.

*Permit Application Number:* TE21831B.
*Applicant:* Katherine L. Caldwell, Ball State University, Muncie, IN.

The applicant requests a permit to take (capture and release, with additional authorization for: (a) Collection of hair, wing biopsy punches and fungal lift tape and/or swab samples; and (b) salvage dead specimens) Indiana bats and Northern long-eared bats (*Myotis septentrionalis*) on Morgan-Monroe and Yellowwood State Forests in Brown, Monroe, and Morgan Counties, IN. The applicant requests additional authorization to enter winter hibernacula in the State of Illinois. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

*Permit Application Number:* TE06797A.
*Applicant:* Rod D. McClanahan, Anna, IL.

The applicant requests a permit renewal to take (capture and release) Indiana bats, gray bats, Virginia big-eared bats, Ozark big-eared bats, and Northern flying squirrel (*Glaucomys sabrinus*) within the States of Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. The proposed activities are for the enhancement of survival of the species in the wild.

*Permit Application Number:* TE06778A.
*Applicant:* USDA Forest Service, Shawnee National Forest (Rod McClanahan, P.I.), Vienna, IL.

The applicant requests a permit renewal to take (capture and release; salvage dead specimens) Indiana bats and gray bats on federal lands within the States of Illinois, Indiana, Missouri and Ohio. Proposed activities are aimed at enhancement of survival of the species in the wild.

*Permit Application Number:* TE09947B.
*Applicant:* Missouri Department of Conservation (David Herzog, P.I.), Jackson, MO.

The applicant requests a permit to take (capture and release) pallid sturgeon (*Scaphirhynchus albus*) in the Mississippi River Basin, the Middle Mississippi River (MMR, between the confluences of the Missouri and Ohio Rivers, Upper Mississippi River miles 0–200), and the lower Mississippi River

(LMR, from the Ohio River Confluence to the tip of the Missouri Bootheel, Lower Mississippi River miles 954–825). Proposed activities are aimed at enhancement of survival of the species in the wild.

*Permit Application Number:* TE02344A.
*Applicant:* Mainstream Commercial Divers, Inc. (Donald Fortenbery, P.I.), Murray, KY.

The applicant requests authorization to renew and amend an existing permit to take (capture, handle, conduct tissue sampling, release, and collect dead shells for identification) species of freshwater mussels for the purpose of conducting presence/absence/population surveys and assisting in species recovery efforts. The applicant is requesting authorization to conduct activities within the States of Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin for the following species: clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), fat pocketbook (*Potamilus capax*), Higgins' eye pearlymussel (*Lampsilis higginsii*), Northern riffleshell (*Epioblasma torulosa rangiana*), orange footed pimpleback pearlymussel (*Plethobasus cooperianus*), pink mucket pearlymussel (*Lampsilis orbiculata*), purple cat's paw pearlymussel (*Epioblasma obliquata obliquata*), rayed bean (*Villosa fabalis*), rough pigtoe (*Pleurobema plenum*), scaleshell (*Leptodea leptodon*), sheepnose (*Plethobasus cyphyus*), snuffbox (*Epioblasma triquetra*), spectaclecase (*Cumberlandia monodonta*), white cat's paw pearlymussel (*Epioblasma obliquata perobliqua*), winged mapleleaf (*Quadrula fragosa*).

*Permit Application Number:* TE71821A.
*Applicant:* David T. Zanatta, Mount Pleasant, MI.

The applicant requests a permit renewal, with amendments, to take (capture and release; temporary holding) the following mussel species: snuffbox, rayed bean, clubshell, and Northern riffleshell. Proposed activities may occur within Michigan, Ohio, and Wisconsin for the purpose of research and enhancement of propagation and survival of the species in the wild.

*Permit Application Number:* TE73598A.
*Applicant:* Fowler Ridge Wind Farm LLC, Fowler Ridge II Wind Farm LLC, Fowler Ridge III Wind Farm LLC, Houston, TX.

The applicant requests a permit renewal with amendments to take (capture and release) Indiana bats at Fowler Ridge Wind Farm LCC, Fowler Ridge II Wind Farm LLC, and Fowler Ridge III Wind Farm LCC in Benton County, IN. Proposed activities are aimed at enhancement of survival of the species in the wild.

*Permit Application Number:* TE62297A.
*Applicant:* Michael D. Whitby, (USGS Coop Unit—U Nebraska), Lincoln, NE.

The applicant requests a permit to take (capture and release) Indiana bats and gray bats throughout the States of Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Vermont, Virginia, and West Virginia. Proposed activities are for the enhancement of survival of the species in the wild.

*Permit Application Number:* TE194099.
*Applicant:* Dr. Michael A. Hoggarth, Westerville, OH.

The applicant requests a permit renewal with amendments to take (capture and release) the following mussel species: Clubshell, cracking pearlymussel (*Hemistena lata*), Cumberland bean (*Villosa trabalis*), Cumberland combshell (*Epioblasma brevidens*), Cumberland elktoe (*Alasmidonta atropurpurea*), Dromedary pearlymussel (*Dromus dromas*), dwarf wedgemussel (*Alasmidonta heterodon*), fanshell, fat pocketbook, James spinymussel (*Pleurobema collina*), littlewing pearlymussel (*Pegias fabula*), Northern riffleshell (*Epioblasma torulosa rangiana*), oyster mussel (*Epioblasma capsaeformis*), orange-footed pimpleback pearlymussel, pink mucket pearlymussel, purple catspaw pearlymussel, Rabbitsfoot (*Quadrula cylindrica cylindrica*), rayed bean, ring pink, rough pigtoe, scaleshell, sheepnose, slabside pearlymussel (*Lexingtonia dolabelloides*), spectaclecase, snuffbox, tan riffleshell (*Epioblasma florentina walkeri*), tubercled blossom (*Epioblasma torulosa torulosa*), white cat's paw pearlymussel, white wartyback (*Plethobasus cicatricosus*), and winged mapleleaf. Proposed activities may occur within the States of Kentucky, Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia, and are for the enhancement of survival of the species in the wild.

*Permit Application Number:* TE809630.
*Applicant:* Dr. Allen Kurta, Ypsilanti, MI.

The applicant requests a permit renewal to take (capture and release) Indiana bats throughout the States of Indiana, Michigan, and Ohio. Proposed activities are for the enhancement of survival of the species in the wild.

*Permit Application Number:* TE02365A.
*Applicant:* Lynn W. Robbins, Missouri State University, Springfield, MO.

The applicant requests a permit renewal to take (capture, sample, and release) Indiana bats, gray bats, Ozark big-eared bats, and Northern long-eared bats throughout the range of the species in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, and West Virginia. Proposed activities are for scientific research, documentation of presence/probable absence of the species, and documentation of habitat use to enhance the recovery and survival of the species in the wild.

**Public Comments**

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive are available for public inspection, by appointment, during normal business hours at the address shown in the **ADDRESSES** section. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: December 3, 2013.

**Lynn M. Lewis,**

*Assistant Regional Director, Ecological Services, Midwest Region.*

[FR Doc. 2013–29833 Filed 12–13–13; 8:45 a.m.]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[AA–9014–A, AA–9014–A2; LLAK940000–L14100000–HY0000–P]**

### Alaska Native Claims Selection

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of decision approving lands for conveyance.

**SUMMARY:** As required by 43 CFR 2650.7(d), notice is hereby given that an

appealable decision will be issued by the Bureau of Land Management (BLM) to Paimiut Corporation. The decision approves the surface estate in certain lands for conveyance pursuant to the Alaska Native Claims Settlement Act (ANCSA) (43 U.S.C. 1601, *et seq.*). The lands approved for conveyance lie partially within a national wildlife refuge in existence on the date ANCSA was enacted, December 18, 1971. As provided by ANCSA, the subsurface estate in the lands lying outside the refuge will be conveyed to Calista Corporation when the surface estate is conveyed to Paimiut Corporation. The subsurface estate in the lands lying within the refuge is not available for conveyance to Calista Corporation and will be reserved to the United States at the time of conveyance. The lands are in the vicinity of Paimiut, Alaska and are described as:

**Lands *Within* the Clarence Rhode National Wildlife Refuge (Executive Order 4584), Now Known as the Yukon Delta National Wildlife Refuge**

Surface estate to be conveyed to Paimiut Corporation; subsurface estate to be reserved to the United States

**Seward Meridian, Alaska**

T. 18 N., R. 90 W.,
Secs. 12 and 13.
Containing 791.32 acres.

**LANDS *OUTSIDE* THE CLARENCE RHODE NATIONAL WILDLIFE REFUGE (EXECUTIVE ORDER 4584), NOW KNOWN AS THE YUKON DELTA NATIONAL WILDLIFE REFUGE**

Surface estate to be conveyed to Paimiut Corporation subsurface to be conveyed to Calista Corporation

**Seward Meridian, Alaska**

T. 19 N., R. 92 W.,
Secs. 28 and 34.
Containing 21.36 acres.

Notice of the decision will also be published once a week for four consecutive weeks in *The Delta Discovery.*

**DATES:** Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR Part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until January 15, 2014 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

**ADDRESSES:** A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

**FOR FURTHER INFORMATION CONTACT:** The BLM by phone at 907–271–5960 or by email at *blm_ak_akso_public_room@blm.gov*. Persons who use a Telecommunications Device for the Deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

**Richard Thwaites,**

*Land Transfer Resolution Specialist, Division of Lands and Cadastral.*

[FR Doc. 2013–29783 Filed 12–13–13; 8:45 am]

**BILLING CODE 4310–JA–P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLORP000000.102000000.DF0000.14X. HAG14–0015]**

### Notice of Public Meeting for the John Day—Snake Resource Advisory Council: Cancellation

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice; cancellation.

**SUMMARY:** The Bureau of Land Management, Oregon/Washington, published a document in the **Federal Register** on October 28, 2013, regarding a public meeting of the John Day/Snake Resource Advisory Council which was scheduled for November 14 and 15, 2013. The meeting was cancelled.

**FOR FURTHER INFORMATION CONTACT:** Lisa Clark, Public Affairs Specialist, BLM Prineville District Office, 3050 NE. 3rd St., Prineville, Oregon 97754, (541) 416–6864, or email *lmclark@blm.gov.*

**Carol Benkosky,**

*Prineville District Manager.*

[FR Doc. 2013–29829 Filed 12–13–13; 8:45 am]

**BILLING CODE 4310–33–P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLORP000000.102000000.DF0000.14X. HAG14–0029]**

### Notice of Public Meeting for the John Day-Snake Resource Advisory Council

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the John Day-Snake Resource Advisory Council (RAC) will meet as indicated below:

**DATES:** The John Day-Snake RAC will hold a public meeting Thursday and Friday, January 9 and 10, 2014. The meeting will run from 12:00–5:00 on Thursday, January 9, 2014, and will continue from 8:00–12:00 on Friday January 10, 2014. The meeting will be held at the Umatilla National Forest office in Pendleton, Oregon. An agenda will be posted at *http://www.blm.gov/or/rac/jdrac_meetingnotes.php* prior to December 20, 2013.

**ADDRESSES:** The meeting will be held at the Umatilla National Forest office in Pendleton, Oregon at 72510 Coyote Road, Pendleton, Oregon. An agenda will be posted at *http://www.blm.gov/or/rac/jdrac_meetingnotes.php* prior to December 20, 2013.

**FOR FURTHER INFORMATION CONTACT:** Lisa Clark, Public Affairs Specialist, BLM Prineville District Office, 3050 NE. 3rd St., Prineville, Oregon 97754, (541) 416–6864, or email *lmclark@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1(800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The John Day-Snake RAC consists of 15 members chartered and appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to BLM and Forest Service resource managers regarding management plans and proposed resource actions on public land in central and eastern Oregon. Tentative agenda items for the January 9 and 10, 2013, meeting include: Fee

proposal for the John Day River; committee updates, and planning future meeting agendas, dates, and locations. Any other matters that may reasonably come before the John Day-Snake RAC may also be addressed. This meeting is open to the public in its entirety. Information to be distributed to the John Day-Snake RAC is requested prior to the start of each meeting.

A public comment period will be available on January 10 at 10:30 a.m. Unless otherwise approved by the John Day-Snake RAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the John Day-Snake RAC for a maximum of 5 minutes. Meeting times and the duration scheduled for public comment periods may be extended or altered when the authorized representative considers it necessary to accommodate necessary business and all who seek to be heard regarding matters before the John Day-Snake RAC.

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Carol Benkosky,**

*Prineville District Manager.*

[FR Doc. 2013–29830 Filed 12–13–13; 8:45 am]

**BILLING CODE 4310–33–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLMT926000–L13100000–EI0000]**

### Notice of Filing of Plats of Survey; North Dakota

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of filing of plats of survey.

**SUMMARY:** The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM Montana State Office, Billings, Montana, on January 15, 2014.

**DATES:** Protests of the survey must be filed before January 15, 2014 to be considered.

**ADDRESSES:** Protests of the survey should be sent to the Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669.

**FOR FURTHER INFORMATION CONTACT:** Blaise Lodermeier, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, telephone (406) 896–5128 or (406) 896–5009, *bloderme@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** This survey was executed at the request of the BLM Montana State Office, Division of Resources, and was necessary to determine federal leasable mineral lands.

The lands we surveyed are:

**Fifth Principal Meridian, North Dakota**

T. 152 N., R. 100 W.

The plat, in two sheets, representing the supplemental plat of secs. 2, 3, 4, 5, and 10, showing the amended lottings, Township 152 North, Range 100 West, Fifth Principal Meridian, North Dakota, was accepted November 26, 2013.

We will place a copy of the plat, in two sheets in the open files. They will be available to the public as a matter of information. If the BLM receives a protest against this survey, as shown on this plat, in two sheets, prior to the date of the official filing, we will stay the filing pending our consideration of the protest. We will not officially file this plat, in two sheets, until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals.

**Authority:** 43 U.S.C. Chap. 3.

**Joshua F. Alexander,**

*Acting Chief Cadastral Surveyor, Division of Resources.*

[FR Doc. 2013–29835 Filed 12–13–13; 8:45 am]

**BILLING CODE 4310–DN–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–MWR–CUVA–13380; PPMWMWROW2/PPMPSAS1Y.YP0000]**

### Notice of Availability of the Record of Decision for the Final Trail Management Plan/Environmental Impact Statement, Cuyahoga Valley National Park, Ohio

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** The National Park Service (NPS) announces the availability of the Record of Decision (ROD) for the Final Trail Management Plan/Environmental Impact Statement (Plan/EIS), Cuyahoga Valley National Park (Park), Ohio.

**ADDRESSES:** Copies of the ROD may be picked up in person or obtained by request in writing to Cuyahoga Valley National Park, 15610 Vaughn Road, Brecksville, Ohio 44141; or by telephone at (440) 546–5903. Copies of the ROD are also available at the NPS Planning, Environment, and Public Comment Web site: *http://www.parkplanning.nps.gov/cuyahogatrailplan.*

**FOR FURTHER INFORMATION CONTACT:** Outdoor Recreation Planner Lynn Garrity, at the address above or by telephone at (330) 342–0764.

**SUPPLEMENTARY INFORMATION:** The NPS has issued a ROD for the Final Plan/EIS for Cuyahoga Valley. On August 8, 2013, the Midwest Regional Director signed the ROD for the Plan/EIS. As soon as practicable, the NPS will begin to implement the selected alternative by developing a special regulation.

Under Alternative 1, the no-action alternative, the trails, authorized uses, and facilities addressed in this Plan/EIS would have remained as they currently exist and the Park would have continued to implement the 1985 Trail Plan.

Actions common to all action alternatives included the restoration of the existing trail system, adoption of the Sustainable Trail Guidelines, and the consideration of trail facilities. Trail facilities evaluated included a water trail system with paddle launch sites along the portion of the Cuyahoga River within the Park boundary; trailside and riverside campsites accessible by hiking, biking, or paddling; and improved parking facilities.

Alternative 2A emphasized the importance of enhancing the existing trail system's sustainability for future generations with limited expansion. Alternative 2B was the same as

Alternative 2A with the addition of authorization of a linear mountain bike trail on existing trails within the Park and on Park partner lands. Alternative 3A was focused on the concept of utilizing areas as interchangeable recreational ''trail hubs'' that provide the full variety of trail experiences the Park has to offer. Trail hubs would have been placed at existing trailheads and visitor centers where various trail and outdoor recreation activities would have commenced. Alternative 3B was the same as Alternative 3A with the addition of new mountain bike trails consisting of two zones of loop routes and additional facilities. Alternative 4A focused on the destination rather than the journey of the Park's trail network. Park features and attractions were the focus of this Alternative with the trail system serving as the main visitor access to these features. Alternative 4B was the same as Alternative 4A with the addition of new mountain bike trails.

Alternative 5, the selected alternative, combines trail elements from all of the Alternatives and proposed trail facilities. The approach for Alternative 5 will include all common elements and an increase of 37 miles of trails from existing conditions, if fully implemented. This alternative will include a new 10-mile off-road single track bicycle trail, trail facilities including expanded and new parking areas, introduction of launch sites for water trail access, and expansion of hike/bike-in and paddle-in campsites. Alternative 5 will best meet the mission of the Park, its resource conditions and visitor use, and the Plan/EIS purpose, goals and objectives.

Dated: November 25, 2013.

**Michael T. Reynolds,**

*Regional Director, Midwest Region.*

[FR Doc. 2013–29827 Filed 12–13–13; 8:45 am]

BILLING CODE 4310–MA–P

## INTERNATIONAL TRADE COMMISSION

**[USITC SE–13–037]**

### Sunshine Act Meeting Notice; Change of Date and Time of Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**ORIGINAL DATE AND TIME:** December 10, 2013 at 11:00 a.m.

**NEW TIME:** December 11, 2013 at 12:00 p.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

**STATUS:** Open to the public.

In accordance with 19 CFR 201.35(d)(1), the Commission hereby gives notice that the meeting originally scheduled for December 10, 2013 at 11:00 a.m. has been rescheduled for December 11, 2013 at 12:00 p.m.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting. Earlier notification of this change was not possible.

By order of the Commission.

Issued: December 11, 2013.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2013–29908 Filed 12–12–13; 11:15 am]

BILLING CODE 7020–02–P

## INTERNATIONAL TRADE COMMISSION

**[USITC SE–13–036]**

### Sunshine Act Meeting Notice; Change of Time of Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**DATE:** December 13, 2013.

**NEW TIME:** 9:30 a.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

**STATUS:** Open to the public.

In accordance with 19 CFR § 201.35(d)(1), the Commission hereby gives notice that the meeting of December 13, 2013 will be held at 9:30 a.m.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting. Earlier notification of this change was not possible.

By order of the Commission.

Issued: December 11, 2013.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2013–29906 Filed 12–12–13; 11:15 am]

BILLING CODE 7020–02–P

## JUDICIAL CONFERENCE OF THE UNITED STATES

### Meeting of the Judicial Conference Committee on Rules of Practice and Procedure

**AGENCY:** Judicial Conference of the United States Committee on Rules of Practice and Procedure.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Committee on Rules of Practice and Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation.

**DATES:** January 9–10, 2014

**TIME:** January 9, 2014: 1:30 p.m.–5:00 p.m., January 10, 2014: 8:30 a.m.–5:00 p.m.

**ADDRESSES:** Arizona Biltmore Hotel, 2400 East Missouri Avenue, Phoenix, Arizona 85016.

**FOR FURTHER INFORMATION CONTACT:** Jonathan C. Rose, Rules Committee Secretary, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: December 11, 2013.

**Jonathan C. Rose,**

*Rules Committee Secretary.*

[FR Doc. 2013–29841 Filed 12–13–13; 8:45 am]

BILLING CODE 2210–55–P

## JUDICIAL CONFERENCE OF THE UNITED STATES

### Meeting of the Judicial Conference Committee on Rules of Practice and Procedure

**AGENCY:** Judicial Conference of the United States Advisory Committee on Rules of Civil Procedure.

**ACTION:** Notice of Public Hearing.

**SUMMARY:** On January 9, 2014, the Advisory Committee on Rules of Civil Procedure will hold a one-day public hearing on the proposed amendments to Civil Rules 1, 4, 6, 16, 26, 30, 31, 33, 34, 36, 37, 55, 84, and Appendix of Forms.

**DATES:** January 9, 2014.

*Time:* 9:00 a.m. to 5:00 p.m.

**ADDRESSES:** Sandra Day O'Connor U.S. Courthouse, 401 West Washington Street, Phoenix, Arizona 85003.

**FOR FURTHER INFORMATION CONTACT:** Jonathan C. Rose, Secretary and Chief Rules Officer, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: December 11, 2013.

**Jonathan C. Rose,**

*Secretary and Chief Rules Officer.*

[FR Doc. 2013–29840 Filed 12–13–13; 8:45 am]

BILLING CODE 2210–55–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:*

Schedule 14N. OMB Control No. 3235–0655, SEC File No. 270–598.

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 this request for extension of the previously approved collection of information discussed below.

Schedule 14N (17 CFR 240.14n–101) requires the filing of certain information with the Commission by shareholders who submit a nominee or nominees for director pursuant to applicable state law, or a company's governing documents. Schedule 14N provides notice to the company of the shareholder's or shareholder group's intent to have the company include the shareholder's or shareholder group's nominee or nominees for director in the company's proxy materials. This information is intended to assist shareholders in making an informed voting decision with regards to any nominee or nominees put forth by a nominating shareholder or group, by allowing shareholders to gauge the nominating shareholder's interest in the company, longevity of ownership, and intent with regard to continued ownership in the company. We estimate that Schedule 14N takes approximately 64.77 hours per response and will be filed by approximately 162 issuers annually. In addition, we estimate that 75% of the 64.77 hours per response (48.58 hours) is prepared by the issuer for an annual reporting burden of 7,870 hours (48.58 hours per response × 162 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov* . Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: December 10, 2013.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–29764 Filed 12–13–13; 8:45 am]

**BILLING CODE 8011–01–P**

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## 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:*

Regulations 13D and 13G; Schedules 13D and 13G. OMB Control No. 3235–0145, SEC File No. 270–137.

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 this request for extension of the previously approved collection of information discussed below.

Schedules 13D and 13G (17 CFR 240.13d–101 and 240.13d–102) are filed pursuant to Sections 13(d) and 13(g) (15 U.S.C. 78m(d) and 78m(g)) of the Securities Exchange Act of 1934 (''Exchange Act'') and Regulations 13D and 13G (17 CFR 240.13d–1–240.13d–7) thereunder to report beneficial ownership of equity securities registered under Section 12 of the Exchange Act. Regulations 13D and 13G provide investors, and the subject issuer with information about accumulations of equity securities that may have the potential to change or influence control of the issuer. Schedule 13D and Schedule 13G are filed by persons, including small entities, to report their ownership of more than 5% of a class of equity securities registered under Section 12. We estimate that Schedule 13D takes approximately 14.5 hours to prepare and is filed by approximately 1,777 filers. We estimate that 25% of the 14.5 hours (3.625 hours per response) is prepared by the filer for a total annual reporting burden of 6,422 hours (3.625 hours per response × 1,777 responses).

We estimate that Schedule 13G takes approximately 12.4 hours to prepare and is filed by approximately 6,882 filers. We estimate that 25% of the 12.4 hours (3.10 hours per response) is prepared by the filer for a total annual reporting burden of 21,334 hours (3.10 hours per response × 6,882 responses).

The information provided by respondents is mandatory. Schedule 13D or Schedule 13G is filed by a respondent only when necessary. All information provided to the Commission is public. However, Rules 0–6 and 24b–2 (17 CFR 240.06 and 240.24b–2) under the Exchange Act do permit reporting persons to request confidential treatment for certain sensitive information concerning national security, trade secrets, or privileged commercial or financial 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 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, D.C. 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, D.C. 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: December 10, 2013.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–29763 Filed 12–13–13; 8:45 am]

**BILLING CODE 8011–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on December 16, 2013, at 2:00 p.m., in the Auditorium (L–002) at the Commission's headquarters building, to

hear oral argument in an appeal by Absolute Potential, Inc. (f/k/a Absolute Waste Services, Inc.) from an initial decision of an administrative law judge.

On February 15, 2012, the law judge found that Absolute Potential, Inc., an issuer whose common stock is registered pursuant to Section 12(g) of the Securities Exchange Act of 1934, violated Exchange Act Section 13(a) and Exchange Act Rules 13a–1 and 13a–13 by failing to file timely quarterly and annual reports for any period after June 30, 2006. The law judge revoked the registration of the company's stock pursuant to Exchange Act Section 12(j). Absolute filed certain annual and quarterly reports prior to, as well as after, the issuance of the law judge's decision.

Absolute Potential does not appeal the law judge's findings of violation but, rather, the law judge's determination to revoke its registration. Exchange Act Section 12(j) authorizes sanctions, including revocation, for reporting violations where it is ''necessary or appropriate for the protection of investors.'' Issues likely to be considered at oral argument include the extent to which, under the circumstances, sanctions are warranted.

The duty officer has determined that no earlier notice was practicable.

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: December 11, 2013.

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2013–29903 Filed 12–12–13; 11:15 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71037; File No. SR–NASDAQ–2013–147]**

## Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Listing Rules on Independence of Compensation Committee Members

December 11, 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 November 26, 2013, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend its listing rules on compensation committee composition. Specifically, Nasdaq proposes to amend Nasdaq Listing Rule 5605(d)(2)(A) and IM–5605–6 to replace the prohibition on the receipt of compensatory fees by compensation committee members with a requirement that a board of directors instead consider the receipt of such fees when determining eligibility for compensation committee membership.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

As required by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the ''Dodd-Frank Act'')[3] and Rule 10C–1 under the Act,[4] Nasdaq amended its listing rules (the ''Amended Rules'') relating to compensation committee composition, responsibilities and authority earlier this year.[5] Rule 10C–1 required Nasdaq to consider, in determining independence requirements for compensation committee members, certain relevant factors, including the ''source of compensation of a member of the board of directors of an issuer, including any consulting, advisory or other compensatory fee paid by the issuer to such member of the board of directors.''[6] Following consideration of this factor, Nasdaq adopted a prohibition on the receipt of compensatory fees by compensation committee members,[7] which is the same standard applicable to audit committee members under Nasdaq's listing rules and Rule 10A–3 under the Act.[8]

During the rulemaking process, Nasdaq received limited comment on the prohibition on the receipt of compensatory fees by compensation committee members.[9] Over the past few months, however, Nasdaq has received feedback from listed companies and others that the prohibition on compensatory fees creates a burden on issuers at a time when regulatory burdens are higher than ever before. For example, there are companies in some industries (e.g., the energy and banking industries) where it is common to have directors who do a de minimis amount of business with the issuer and would, therefore, be ineligible to serve on the compensation committee under the Nasdaq rules. These companies may have difficulty recruiting a sufficient number of eligible directors to serve on their boards, given the different requirements for board, audit committee

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

[4] 17 CFR 240.10C–1.

[5] *See* Securities Exchange Act Release No. 68640 (January 11, 2013), 78 FR 4554 (January 22, 2013) (SR–NASDAQ–2012–109).

[6] 17 CFR 240.10C–1(b)(1)(ii)(A).

[7] *See* Nasdaq Listing Rule 5605(d)(2)(A), which states that each compensation committee member must not accept directly or indirectly any consulting, advisory or other compensatory fee from the company or any subsidiary thereof.

[8] *See* Nasdaq Listing Rule 5605(c)(2)(A), which states that each audit committee member must meet the criteria for independence set forth in Rule 10A–3(b)(1) under the Act. Under this rule, audit committee members may not accept directly or indirectly any consulting, advisory or other compensatory fee from the issuer or any subsidiary thereof. *See* 17 CFR 240.10A–3(b)(1).

[9] Specifically, Nasdaq received only two comments objecting to the prohibition. *See* (i) Letter from Harold R. Carpenter, CFO, Pinnacle Financial Partners, Nashville, Tennessee, dated November 5, 2012; and (ii) Letter from Robert B. Lamm, Chair, Securities Law Committee, Society of Corporate Secretaries and Governance Professionals, New York, New York, dated December 7, 2012. Nasdaq also received three comments that supported the prohibition, but argued that in considering a director's eligibility to serve on a compensation committee, a board should also consider fees paid to directors for service on the board and board committees. *See* (i) Letter from J. Robert Brown, Jr., University of Denver Sturm College of Law, dated October 30, 2012; (ii) Letter from Brandon J. Rees, Acting Director, Office of Investment, AFL–CIO, dated November 5, 2012; and (iii) Letter from Carin Zelenko, Director, Capital Strategies Department, International Brotherhood of Teamsters, dated November 5, 2012. All the comment letters are available at *http://www.sec.gov/comments/sr-nasdaq-2012-109/nasdaq2012109.shtml.*

and compensation committee composition. Companies and their representatives have indicated that this additional burden could influence a company's choice of listing venue.

After weighing these comments, Nasdaq proposes to remove the prohibition on the receipt of compensatory fees by compensation committee members. Nasdaq proposes to state instead that in affirmatively determining the independence of any director who will serve on the compensation committee, a company's board must consider the source of compensation of the director, including any consulting, advisory or other compensatory fee paid by the company to the director.[10] In IM–5605–6, Nasdaq proposes to state that when considering the sources of a director's compensation in determining independence for purposes of compensation committee service, the board should consider whether the director receives compensation from any person or entity that would impair the director's ability to make independent judgments about the company's executive compensation.

Nasdaq proposes to remove the exception in the current rule that states that compensatory fees do not include: (i) fees received as a member of the compensation committee, the board of directors or any other board committee; or (ii) the receipt of fixed amounts of compensation under a retirement plan (including deferred compensation) for prior service with the company (provided that such compensation is not contingent in any way on continued service).[11] As a result, boards of director [sic] should consider such fees, in aggregate with all other sources of compensation of the director, to determine whether such compensation would impair the director's judgment as a member of the compensation committee. This proposal is consistent with the approach of other exchanges, which do not exempt any types of fees from the analysis of compensation committee eligibility.[12] In addition, during the rulemaking process on the Amended Rules, Nasdaq received several comments arguing that in determining eligibility for compensation committee membership, a board should consider the fees paid to directors for their service on the board or board committees.[13]

Nasdaq's overall proposal is consistent with the Dodd-Frank Act and Rule 10C–1, which required Nasdaq to consider compensatory fees when determining eligibility for compensation committee membership, but did not require a prohibition on such fees. Even with the proposed change, a compensation committee member will not be allowed to receive unlimited fees from a company since such a member must continue to be an Independent Director as defined under Nasdaq Listing Rule 5605(a)(2).[14] That definition excludes any director who: (i) Accepted any compensation from the company in excess of $120,000 during any period of twelve consecutive months within the prior three years;[15] or (ii) is a partner in, or a controlling shareholder or an executive officer of, any organization to which the company made, or from which the company received, payments for property or services in the current or any of the past three fiscal years that exceed 5% of the recipient's consolidated gross revenues for that year, or $200,000, whichever is more.[16] Boards of directors would be required to consider, based on the company's and the director's unique circumstances, whether the receipt of any fees, even fees below these caps, would impair the director's ability to make independent judgments about the company's executive compensation, and therefore render the director ineligible to serve on the compensation committee.

In addition, the proposal is consistent with Nasdaq's approach to affiliation, which is the other specific factor enumerated in Rule 10C–1 that Nasdaq was required to consider in determining eligibility for compensation committee membership. The Amended Rules require that boards of directors consider affiliation in determining compensation committee membership, but they do not include any outright prohibitions in this regard.[17] Nasdaq is proposing some minor wording changes to Rule 5605(d)(2)(A) to make the affiliation prong more clear, in light of the revisions to the prong relating to compensatory fees; however, Nasdaq believes that substantively, the affiliation prong will remain unchanged following this proposed rule change. Nasdaq also proposes to add text to IM–5605–6 to state that when considering any affiliate relationship a director has with the company, a subsidiary, or an affiliate of a subsidiary, in determining independence for purposes of compensation committee service, the board should consider whether the affiliate relationship places the director under the direct or indirect control of the company or its senior management, or creates a direct relationship between the director and members of senior management, in each case of a nature that would impair the director's ability to make independent judgments about the Company's executive compensation.[18]

Nasdaq also proposes to add language to Rule 5605(d)(2)(A) to clarify that in affirmatively determining the independence of any director who will serve on the compensation committee, the board of directors must consider all factors specifically relevant to determining whether a director has a relationship to the company which is material to that director's ability to be independent from management in connection with the duties of a compensation committee member. Nasdaq does not believe this is a substantive change since the existing rule requires compensation committee members to be Independent Directors as defined under Rule 5605(a)(2). This definition requires, among other things, that a company's board make an affirmative determination that the director has no relationship which

[10] Nasdaq also proposes to add language to IM–5605–6 to state that for purposes of the affirmative independence determination described in Rule 5605(d)(2)(A), any reference to the defined term ''Company'' includes any parent or subsidiary of the company. The term ''parent or subsidiary'' is intended to cover entities the company controls and consolidates with the company's financial statements as filed with the Commission (but not if the company reflects such entity solely as an investment in its financial statements). This language is copied from IM–5605, which explains the interpretation of the definition of Independent Director in Rule 5605(a)(2). Since Rule 5605(d)(2)(A) describes an additional independence test for compensation committee members, Nasdaq believes it would be useful to repeat its construction of the term ''Company'' for independence purposes in the interpretive material for this rule.

[11] *See* Nasdaq Listing Rule 5605(d)(2)(A).

[12] *See* Section 303A.02(a)(ii)(A) of the NYSE Listed Company Manual; *see also* BATS Rule 14.10(c)(4)(A)(i)(a); *see also* NYSE Arca Equities Rule 5.3(k)(4)(ii); *see also* Section 805(c)(1) of the NYSE MKT Company Guide.

[13] *See* footnote 9, *supra.*

[14] *See* Nasdaq Listing Rule 5605(d)(2)(A).

[15] *See* Nasdaq Listing Rule 5605(a)(2)(B). Nasdaq notes that this rule excludes compensation for board or board committee service from the $120,000 cap. However, any compensation for board or board committee service still must be considered for purposes of affirmatively determining the independence of any director who will serve on the compensation committee.

[16] *See* Nasdaq Listing Rule 5605(a)(2)(D).

[17] *See* Nasdaq Listing Rule 5605(d)(2)(A).

[18] Nasdaq proposes to retain existing language in IM–5605–6 that states that while a board may conclude differently with respect to individual facts and circumstances, Nasdaq does not believe that ownership of a company's stock by itself, or possession of a controlling interest through ownership of a company's stock, precludes a board finding that it is appropriate for a director to serve on the compensation committee. In fact, it may be appropriate for certain affiliates, such as representatives of significant stockholders, to serve on compensation committees since their interests are likely aligned with those of other stockholders in seeking an appropriate executive compensation program.

would interfere with the exercise of independent judgment in carrying out the responsibilities of a director. The responsibilities of a director who serves on the compensation committee would include any responsibilities relating to compensation committee membership. However, Nasdaq believes it will be helpful to clarify this requirement in the text of Rule 5605(d)(2)(A), which describes the requirements for compensation committee composition.

Finally, Nasdaq proposes a minor edit to the first sentence of Rule 5605(d)(2)(A) to split it into two sentences in light of the revisions to the rule described above.[19] This edit clarifies that each compensation committee must consist of at least two members, and each committee member must be an Independent Director as defined under Rule 5605(a)(2).

Companies are required to comply with the compensation committee composition aspects of the Amended Rules by the earlier of their first annual meeting after January 15, 2014, or October 31, 2014.[20] As a result, Nasdaq believes it is important to implement the proposed change now, before companies propose changes to board and committee composition in connection with their 2014 annual meetings.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Section 6(b)(5) of the Act,[22] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Specifically, the proposal removes impediments to and perfects the mechanism of a free and open market by allowing boards of directors greater flexibility in determining eligibility for compensation committee membership, consistent with the requirements of the Dodd-Frank Act and Rule 10C–1. Nasdaq will continue to protect investors and the public interest by maintaining overall caps on the amount of compensatory fees that may be received by a compensation committee member from a company. However, a board of directors must consider, given the particular circumstances of a company and/or a director, whether any fees, even fees below the overall caps, would impair the director's ability to make independent judgments about the company's executive compensation, and therefore render the director ineligible to serve on the compensation committee.

In addition, Nasdaq proposes other changes in the rule to clarify its interpretation of the additional independence test for compensation committee members in light of the change discussed above. Specifically, Nasdaq proposes to: (i) Delete an exception for certain types of compensatory fees that may be received by a compensation committee member; (ii) clarify the standard a board must use when considering certain affiliate relationships of a compensation committee member; (iii) explicitly state that as part of the independence test, a board of directors must consider all factors specifically relevant to determining whether a director has a relationship to the company which is material to that director's ability to be independent from management in connection with the duties of a compensation committee member; (iv) reiterate the definition of the term ''Company'' for purposes of the independence test; and (v) clarify that each compensation committee must be an Independent Director as defined under Rule 5605(a)(2). These changes will make Nasdaq's compensation committee composition requirements more transparent and easier to understand. As a result, the changes will protect investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Dodd-Frank Act and Rule 10C–1 under the Act required each national securities exchange to adopt similar rules to Nasdaq's Amended Rules. Like Nasdaq, each other exchange was required to consider compensatory fees when determining eligibility requirements for compensation committee membership. Other than Nasdaq and NASDAQ OMX BX,[23] which is not currently operational as a listing market, no other exchange prohibits compensatory fees to members of the compensation committee.[24] This change will harmonize Nasdaq's rule regarding compensation committee composition with the more flexible rules of the other exchanges. As a result, this proposal removes a potential competitive advantage for the other exchanges and thereby enhances competition among exchanges.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[25] and subparagraph (f)(6) of Rule 19b–4 thereunder.[26]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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

[19] Nasdaq also proposes conforming edits to IM–5605–6.

[20] *See* Nasdaq Listing Rule 5605(d)(6). During the transition period, companies that are not yet required to comply with a particular provision of revised Rule 5605(d) and IM–5605–6 must continue to comply with the corresponding provision, if any, of Rule 5605A(d) and IM–5605A–6.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] Like Nasdaq, NASDAQ OMX BX adopted an outright prohibition on the receipt of compensatory fees by compensation committee members. See BX Venture Market Listing Rule 5605(d)(2)(A). However, Nasdaq expects that NASDAQ OMX BX will file a proposed rule change to conform its rule to the Nasdaq rule.

[24] *See* Section 303A.02(a)(ii)(A) of the NYSE Listed Company Manual; *see also* BATS Rule 14.10(c)(4)(A)(i)(a); *see also* NYSE Arca Equities Rule 5.3(k)(4)(ii); *see also* Section 805(c)(1) of the NYSE MKT Company Guide.

[25] 15 U.S.C. 78s(b)(3)(a)(ii).

[26] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2013–147 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2013–147. 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 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 offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2013–147, and should be submitted on or before January 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–29802 Filed 12–13–13; 8:45 am]

**BILLING CODE 8011–01–P**

[27] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71030; File No. SR–OCC–2013–18]**

## Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Concerning the Governance Committee Charter

December 11, 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 November 26, 2013, the Options Clearing Corporation (''OCC'') 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 OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change by The Options Clearing Corporation (''OCC'') concerns the charter of the Governance Committee (''GC Charter'') of OCC's Board of Directors (''Board'').

### II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of these statements.

*(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

This proposed rule change concerns the GC Charter. The Board authorized formation of the Governance Committee (''GC'') at its May 21, 2013, meeting and approved the GC Charter at its September 24, 2013, meeting. As set forth in the GC Charter, the purpose of the GC is to review the overall corporate governance of OCC and recommend improvements to OCC's Board. The GC Charter describes the role the GC plays in assisting the Board in fulfilling its responsibilities, as described in OCC's By-Laws and Rules, as well as specifying the policies and procedures governing the membership and organization, scope of authority, and specific functions and responsibilities of the GC. In addition, the guidelines for the composition of the GC as well as the policies regarding its meeting schedule, quorum rules, minute-keeping and reporting requirements are set forth in the GC Charter and conform to applicable requirements specified in OCC's By-Laws and Rules.

The GC is composed of not fewer than five Directors with at least one Public Director, one Exchange Director and one Member Director. Management Directors will not be members of the GC. The Board will designate a GC Chair and if the Chair is not present at a meeting, the members who are present will designate a member to serve as the Acting Chair. The GC will meet at least four times a year and a majority of the GC members constitutes a quorum. The GC is permitted to call executive sessions from which guests of the GC may be excluded, and GC members are permitted to participate in all meetings by conference telephone call or other means of communication that permit all meeting participants to hear each other. The GC Chair, or the Chair's designee, will report regularly to the Board on the GC's activities.

The GC Charter sets forth certain functions and responsibilities for the GC including, but not limited to, the following: review the composition of the Board as a whole, including the Board's balance of participant and non-participant directors, business specialization, technical skills, diversity and other desired qualifications; review the Board's Charter for consistency with regulatory requirements, transparency of the governance process and other sound governance practice and recommend changes to the Board, where appropriate; review the committee structure of the Board, including the GC, and recommend changes to the Board, where appropriate; review OCC's policies and procedures for identifying and reviewing Board nominee candidates, including the criteria for Board nominees; develop and recommend to the Board a periodic process of self-evaluation of the role and performance of the Board, its committees and management in the governance of OCC; review OCC's policies on conflicts of interest of directors, including the OCC Directors Code of Conduct and recommend changes, where appropriate; and, review OCC's new director orientation program as well as OCC's training and education

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

programs for Board members and recommend changes, where appropriate. In addition to the foregoing, the GC may undertake other and different activities, as appropriate, or as may be delegated to it by the Board. In discharging its role, the GC shall confer with management and other employees of OCC to the extent the GC deems it necessary to so to fulfill its duties.[3]

OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[4] because the GC Charter helps ensure that OCC's governance structure is designed to protect investors and the public interest. By creating a GC Charter that clarifies the duties and operations of the GC, OCC will have, as required under Rule 17Ad–22(d)(8), a clear and transparent governance structure that will fulfill the public interests requirements in Section 17A of the Act, support the objectives of OCC's owners and participants and promote the effectiveness of OCC's risk management procedures.[5]

*(B) Clearing Agency's Statement on Burden on Competition*

OCC does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.[6] This proposed rule change will help ensure that OCC meets regulatory requirements that it has a clear and transparent governance structure, as well as clarify the organization, duties and operation of the GC through the adoption of the GC Charter. To the extent OCC's clearing members are affected by proposed rule change, OCC believes that, by publishing the terms of the GC Charter in the public domain, all of its participants will have greater certainty concerning OCC's governance arrangements. Accordingly, OCC does not believe that the proposed rule will it impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

**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-comments@sec.gov.* Please include File Number SR–OCC–2013–18 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–OCC–2013–18. 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 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 OCC and on OCC's Web site at *http://www.theocc.com/about/publications/bylaws.jsp.* 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–OCC–2013–18 and should be submitted on or before January 6, 2014.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[7]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–29780 Filed 12–13–13; 8:45 am]

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[3] The GC, subject to the approval of the Board, is permitted to hire specialists or rely on outside advisors or specialists to assist it in carrying out the GC's activities. The GC has the authority to approve the fees and retention terms of such advisors and specialists.

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] 17 CFR 240.17Ad–22(d)(8).

[6] 15 U.S.C. 78q–1(b)(3)(I).

[7] 17 CFR 200.30–3(a)(12).

## DEPARTMENT OF STATE

**[Public Notice 8548]**

## Request for Information for the 2014; Trafficking in Persons Report

**SUMMARY:** The Department of State (''the Department'') requests written information to assist in reporting on the degree to which the United States and foreign governments comply with the minimum standards for the elimination of trafficking in persons (''minimum standards'') that are prescribed by the Trafficking Victims Protection Act of 2000, (Div. A, Pub. L. 106–386) as amended (''TVPA''). This information will assist in the preparation of the *Trafficking in Persons Report* (''*TIP Report''*) that the Department submits annually to appropriate committees in the U.S. Congress on governments' level of compliance with the minimum standards. Foreign governments that do not comply with the minimum standards and are not making significant efforts to do so may be subject to restrictions on nonhumanitarian, nontrade-related foreign assistance from the United States, as defined by the TVPA. Submissions must be made in writing to the Office to Monitor and Combat Trafficking in Persons at the Department of State by January 30, 2014. Please refer to the *Addresses, Scope of Interest,* and *Information Sought* sections of this Notice for additional instructions on submission requirements.

**DATES:** Submissions must be received by the Office to Monitor and Combat Trafficking in Persons by 5 p.m. on January 30, 2014.

*Addresses:* Written submissions and supporting documentation may be submitted to the Office to Monitor and Combat Trafficking in Persons by the following methods:

- *Facsimile (fax):* 202–312–9637.
- *Mail, Express Delivery, Hand Delivery and Messenger Service:* U.S. Department of State, Office to Monitor and Combat Trafficking in Persons (J/TIP), 1800 G Street NW., Suite 2148, Washington, DC 20520. Please note that materials submitted by mail may be delayed due to security screenings and processing.
- *Email (preferred): tipreport@state.gov* for submissions related to foreign governments and *tipreportUS@state.gov* for submissions related to the United States.

*Scope of Interest:* The Department requests information relevant to assessing the United States' and foreign governments' compliance with the minimum standards for the elimination of trafficking in persons in the year 2013. The minimum standards for the elimination of trafficking in persons are listed in the *Background* section. Submissions must include information relevant and probative of the minimum standards for the elimination of trafficking in persons and should include, but need not be limited to, answering the questions in the *Information Sought* section. These questions are designed to elicit information relevant to the minimum standards for the elimination of trafficking in persons. Only those questions for which the submitter has direct professional experience should be answered and that experience should be noted. For any critique or deficiency described, please provide a recommendation to remedy it. Note the country or countries that are the focus of the submission.

Submissions may include written narratives that answer the questions presented in this Notice, research, studies, statistics, fieldwork, training materials, evaluations, assessments, and other relevant evidence of local, state, and federal government efforts. To the extent possible, precise dates should be included.

Where applicable, written narratives providing factual information should provide citations to sources and copies of the source material should be provided. If possible, send electronic copies of the entire submission, including source material. If primary sources are utilized, such as research studies, interviews, direct observations, or other sources of quantitative or qualitative data, details on the research or data-gathering methodology should be provided. The Department does not include in the *Report,* and is therefore not seeking, information on prostitution, human smuggling, visa fraud, or child abuse, unless such conduct occurs in the context of human trafficking.

*Confidentiality:* Please provide the name, phone number, and email address of a single point of contact for any submission. It is Department practice not to identify in the *TIP Report* information concerning sources in order to safeguard those sources. Please note, however, that any information submitted to the Department may be releasable pursuant to the provisions of the Freedom of Information Act or other applicable law. When applicable, portions of submissions relevant to efforts by other U.S. government agencies may be shared with those agencies.

*Response:* This is a request for information only; there will be no response to submissions.

**SUPPLEMENTARY INFORMATION:**

## I. Background

*The TIP Report:* The *TIP Report* is the most comprehensive worldwide report on governments' efforts to combat trafficking in persons. It represents an updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it. The U.S. Government uses the *TIP Report* to engage in diplomacy, to encourage partnership in creating and implementing laws and policies, to combat trafficking, and to target resources on prevention, protection, and prosecution programs. Worldwide, the *Report* is used by international organizations, foreign governments, and nongovernmental organizations alike as a tool to examine where resources are most needed. Freeing victims, preventing trafficking, and bringing traffickers to justice are the ultimate goals of the *Report* and of the U.S Government's anti-trafficking policy.

The Department prepares the *TIP Report* using information from across the U.S. Government, U.S. embassies, foreign government officials, nongovernmental and international organizations, published reports, and research trips to every region. The *TIP Report* focuses on concrete actions that governments take to fight trafficking in persons, including prosecutions, convictions, and prison sentences for traffickers, as well as victim protection measures and prevention efforts. Each *TIP Report* narrative also includes a section on recommendations. These recommendations are then used to assist in measuring progress from one year to the next and determining whether governments comply with the minimum standards to eliminate trafficking in persons or are making significant efforts to do so.

The TVPA creates a four tier ranking system. Tier placement is based more on the extent of government action to combat trafficking than on the size of the problem, although that is a consideration. The Department first evaluates whether the government fully complies with the TVPA's minimum standards for the elimination of trafficking. Governments that fully comply are placed on Tier 1. For other governments, the Department considers the extent of efforts to reach compliance. Governments that are making significant efforts to meet the minimum standards are placed on Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed on Tier 3. Finally, the Department considers Special Watch List criteria and, when applicable, moves Tier 2 countries to Tier 2 Watch List. For more information, the 2013 *TIP Report* can be found at *http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm*.

Since the inception of the *TIP Report* in 2001, the number of countries included and ranked has more than doubled to include 188 countries in the 2013 *TIP Report.* Around the world, the *TIP Report* and the best practices reflected therein have inspired legislation, national action plans, policy implementation, program funding, protection mechanisms that complement prosecution efforts, and a stronger global understanding of this crime.

Since 2003, the primary reporting on the United States' anti-trafficking activities has been through the annual Attorney General's Report to Congress and Assessment of U.S. Government Activities to Combat Human Trafficking (''AG Report'') mandated by section 105 of the TVPA (22 U.S.C. 7103(d)(7)). In addition, the United States, through a collaborative interagency process, includes in the *TIP Report* an analysis of U.S. Government anti-trafficking efforts in light of the minimum standards to eliminate trafficking in persons set forth by the TVPA.

**II. Minimum Standards for the Elimination of Trafficking in Persons**

The TVPA sets forth the minimum standards for the elimination of trafficking in persons as follows:

(1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

The following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country, including, as appropriate, requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall be considered, on a case-by-case basis, whether to be considered as an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. The Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.

(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, including by providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims.

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons; measures to establish the identity of local populations, including birth registration, citizenship, and nationality; measures to ensure that its nationals who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking; a transparent system for remediating or punishing such public officials as a deterrent; measures to prevent the use of forced labor or child labor in violation of international standards; effective bilateral, multilateral, or regional information-sharing and cooperation arrangements with other countries; and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting.

(4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with other countries.

(5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).

(6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.

(7) Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials, including diplomats and soldiers, who participate in or facilitate severe forms of trafficking in persons, including nationals of the country who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and takes all appropriate measures against officials who condone such trafficking. A government's failure to appropriately address public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria. After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. The Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.

(8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.

(9) Whether the government has entered into effective, transparent partnerships, cooperative agreements, or agreements that have resulted in concrete and measureable outcomes with—

(A) domestic civil society organizations, private sector entities, or international non-governmental

organizations, or into multilateral or regional arrangements or agreements, to assist the government's efforts to prevent trafficking, protect victims, and punish traffickers or

(B) the United States toward agreed goals and objectives in the collective fight against trafficking.

(10) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.

(11) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.

(12) Whether the government of the country has made serious and sustained efforts to reduce the demand for (A) commercial sex acts; and (B) participation in international sex tourism by nationals of the country.

## III. Information Sought Relevant to the Minimum Standards

Submissions should include, but need not be limited to, answers to relevant questions below for which the submitter has direct professional experience and that experience should be noted. Citations to source material should also be provided. Note the country or countries that are the focus of the submission. Please see the *Scope of Interest* section for detailed information regarding submission requirements.

1. How have trafficking methods changed in the past 12 months? For example, are there victims from new countries of origin? Is internal trafficking or child trafficking increasing? Has sex trafficking changed from brothels to private apartments? Is labor trafficking now occurring in additional types of industries or agricultural operations? Is forced begging a problem?

2. In what ways has the government's efforts to combat trafficking in persons changed in the past year? What new laws, regulations, policies, and implementation strategies exist (e.g., substantive criminal laws and procedures, mechanisms for civil remedies, and victim-witness security, generally, and in relation to court proceedings)?

3. Please provide observations regarding the implementation of existing laws and procedures.

4. Is the government equally vigorous in pursuing labor trafficking and sex trafficking?

5. Are the anti-trafficking laws and sentences strict enough to reflect the nature of the crime? Are sex trafficking sentences commensurate with rape sentences?

6. Do government officials understand the nature of trafficking? If not, please provide examples of misconceptions or misunderstandings.

7. Do judges appear appropriately knowledgeable and sensitized to trafficking cases? What sentences have courts imposed upon traffickers? How common are suspended sentences and prison time of less than one year for convicted traffickers?

8. Please provide observations regarding the efforts of police and prosecutors to pursue trafficking cases.

9. Are government officials (including law enforcement, diplomats, and soldiers/peacekeepers) complicit in human trafficking by, for example, profiting from, taking bribes, or receiving sexual services for allowing it to continue? Are government officials operating trafficking rings or activities? If so, have these government officials been subject to an investigation and/or prosecution? What punishments have been imposed?

10. Has the government vigorously investigated, prosecuted, convicted, and sentenced nationals of the country deployed abroad as part of a diplomatic, peacekeeping, or other similar mission who engage in or facilitate trafficking?

11. Has the government investigated, prosecuted, convicted, and sentenced organized crime groups that are involved in trafficking?

12. Is the country a source of sex tourists and, if so, what are their destination countries? Is the country a destination for sex tourists and, if so, what are their source countries?

13. Please provide observations regarding government efforts to address the issue of unlawful child soldiering.

14. Does the government make a coordinated, proactive effort to identify victims? Is there any screening conducted before deportation to determine whether individuals were trafficked?

15. What victim services are provided (legal, medical, food, shelter, interpretation, mental health care, health care, employment, training, etc.)? Who provides these services? If nongovernment organizations provide the services, does the government support their work either financially or otherwise?

16. How could victim services be improved?

17. Are services provided equally and adequately to victims of labor and sex trafficking? Men, women, and children? Citizen and noncitizen? Members of the LGBT community?

18. Do service providers and law enforcement work together cooperatively, for instance, to share information about trafficking trends or to plan for services after a raid? What is the level of cooperation, communication, and trust between service providers and law enforcement?

19. May victims file civil suits or seek legal action against their trafficker? Do victims avail themselves of those remedies?

20. Does the government repatriate victims who wish to return home? Does the government assist with third country resettlement? Does the government engage in any analysis of whether victims may face retribution or hardship upon repatriation to their country of origin? Are victims awaiting repatriation or third country resettlement offered services? Are victims indeed repatriated or are they deported?

21. Does the government inappropriately detain or imprison identified trafficking victims?

22. Does the government punish trafficking victims for forgery of documents, illegal immigration, unauthorized employment, or participation in illegal activities directed by the trafficker?

23. What efforts has the government made to prevent human trafficking?

24. Has the government entered into effective bilateral, multilateral, or regional information-sharing and cooperation arrangements that have resulted in concrete and measureable outcomes?

25. Does the country have effective policies or laws regulating foreign labor recruiters?

26. Does the government undertake activities that could prevent or reduce vulnerability to trafficking, such as registering births of indigenous populations?

27. Does the government provide financial support to NGOs working to promote public awareness or does the government implement such campaigns itself? Have public awareness campaigns proven to be effective?

28. Please provide additional recommendations to improve the government's anti-trafficking efforts.

29. Please highlight effective strategies and practices that other governments could consider adopting.

Dated: December 3, 2013.

**Luis CdeBaca,**

*Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State.*

[FR Doc. 2013–29860 Filed 12–13–13; 8:45 am]

BILLING CODE 4710–00–P

## DEPARTMENT OF STATE

**[Public Notice 8547]**

### 30-Day Notice of Proposed Information Collection: Exchange Programs Alumni Web Site Registration

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

**DATES:** Submit comments directly to the Office of Management and Budget (OMB) up to January 15, 2014.

**ADDRESSES:** Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Chang Suh, Alumni Outreach Specialist, Bureau of Educational and Cultural Affairs; U.S. Department of State; SA–5, Room C2–C20; Washington, DC 20522–0503, who may be reached on 202–632–6183 or at *SuhCH@state.gov*.

**SUPPLEMENTARY INFORMATION:**

- *Title of Information Collection:* Exchange Programs Alumni Web site Registration.
- *OMB Control Number:* 1405–0192.
- *Type of Request:* Extension of an Approved Request.
- *Originating Office:* Bureau of Educational and Cultural Affairs, ECA/P/A.
- *Form Number:* DS–7006.
- *Respondents:* Exchange program alumni and current participants of U.S. government-sponsored exchange programs.
- *Estimated Number of Respondents:* 20,000.
- *Estimated Number of Responses:* 20,000.
- *Average Time per Response:* 10 minutes.
- *Total Estimated Burden Time:* 3,333 hours.
- *Frequency:* One time per respondent.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

*Abstract of proposed collection:* The International Exchange Alumni Web site requires information to process users' voluntary request for participation in the International Exchange Alumni Web site. Other than contact exchange program information, which is required for Web site registration, all other information is provided on a voluntary basis. Participants also have the option of restricting access to their information.

Respondents to this information collection are U.S. government-sponsored exchange program participants and alumni. Alumni Affairs collects data from users to not only verify their status or participation in a program, but to help alumni network with one another and aid embassy staff in their alumni outreach.

*Methodology:* Information provided for registration is collected electronically via the Alumni Web site, *alumni.state.gov.*

*Additional Information:* International Exchange Alumni is a secure, encrypted Web site.

Dated: December 4, 2013.

**Tania Chomiak-Salvi,**

*Director, Office of Policy and Evaluation, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2013–29865 Filed 12–13–13; 8:45 am]

BILLING CODE 4710–05–P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### Transportation Infrastructure Financing and Innovation Act (TIFIA) Program; Agency Information Collection Activities and Request for Comments

**AGENCY:** Office of the Secretary of Transportation (OST), DOT.

**SUMMARY:** The Department of Transportation (DOT) received no public comments following the publication of its 60-day notice of proposed information collection. As identified in the 60-day notice, the information is currently being collected under an approved Information Collection Request. OST requests that the Office of Management and Budget (OMB) renew an Information Collection Request (OMB Control Number 2105–0569) in accordance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3501 *et seq.*), and requests additional comments and recommendations.

On July 6, 2012, the President of the United States signed the Moving Ahead for Progress in the 21st Century Act of 2012 (MAP–21). MAP–21 authorized $750 million in FY 2013 and $1 billion in FY 2014 for the Transportation Infrastructure Financing and Innovation Act (TIFIA) program to pay the subsidy cost of supporting Federal credit. The TIFIA program will provide Federal credit assistance in the form of direct loans, loan guarantees, and standby lines of credit to eligible surface transportation projects. This information collection relates to the collection of information from entities interested in TIFIA credit assistance and assists DOT in evaluating projects and project sponsors for program eligibility and creditworthiness.

A 60-day **Federal Register** notice was published on September 27, 2013, 2013 (78 FR 59751). Since the publication of the 60-day **Federal Register** notice, no comments were received to the Docket (DOT–OST–2013–0173) and therefore no review of comments was required, so none was performed by the Department.

**DATES:** Written comments should be submitted by January 15, 2014.

**ADDRESSES:** Written comments should be submitted by January 15, 2014 and submitted to the attention of the DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503 or by email at *OIRA_submission@omb.eop.gov* with

the associated OMB Control Number 2105–0569. Comments are invited on: (a) The need for the proposed collection of information 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, including the validity of the methodology and assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

**FOR FURTHER INFORMATION CONTACT:** The TIFIA program manager via email at *TIFIACredit@dot.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Transportation Infrastructure Financing and Innovation Act program or TIFIA program .

*OMB Control Number:* 2105–0569.

*Affected Public:* State and local governments, transit agencies, railroad companies, special authorities, special districts, and private entities.

*Estimated Total Annual Number of Responses:* 50 letters of interest and 50 applications.

*Estimated Total Annual Burden Hours:* 6,000 hours. Based on the number and type of interested stakeholders that have contacted the Department about this program, OST estimates that it will receive 50 applications and letters of interest and that it will generally not take applicants more than 100 person-hours to assemble individual applications and 20 person-hours to assemble individual letters of interest. Therefore, the total annual hour burden of this collection of applications is 6,000 hours.

*Frequency of Collection:* The Department expects that this information collection will occur on a rolling basis as interested entities seek TIFIA credit assistance.

*Background:* This is an existing information collection that was originally approved through the emergency approval process on August 7, 2013. DOT has published a notice in the **Federal Register** (also available at: *http://www.fhwa.dot.gov/ipd/pdfs/tifia/fy2013_tifia_nofa_073112.pdf*) to give project sponsors an opportunity to submit Letters of Interest and applications for the newly authorized funding as soon as possible. However, in addition to authorizing more funding for TIFIA credit assistance, MAP–21 made some significant changes to the TIFIA program's structure, including the terms and conditions pursuant to which DOT can provide TIFIA credit assistance. DOT is required to solicit letters of interest and applications for TIFIA credit assistance from interested applicants. DOT has developed forms that provide a way for interested applicants to submit information required by DOT in order for DOT to evaluate that interested applicant's application for TIFIA credit assistance. The forms for the letter of interest and application are available for review at *http://www.fhwa.dot.gov/ipd/tifia/guidance_applications/tifia_applications.htm*. DOT will use the collected information to evaluate and select recipients for credit assistance as authorized under MAP–21. Applicants may be asked to provide additional supporting evidence or to quantify details during the review and negotiation process on a case-by-case basis.

MAP–21 establishes a multi-step application process for TIFIA credit assistance. This process begins with the submission of a letter of interest and determination of eligibility. Only after a project sponsor has submitted a letter of interest and met all statutory eligibility requirements will the project sponsor be invited to submit an application.

The letter of interest must (i) describe the project and the location, purpose, and cost of the project, (ii) outline the proposed financial plan, including the requested credit assistance and the proposed obligor; (iii) provide a status of environmental review; and (iv) provide information regarding satisfaction of other eligibility requirements of the TIFIA credit program. Letters of Interest will be submitted using the form on the TIFIA Web site: *http://www.fhwa.dot.gov/ipd/tifia/guidance_applications/index.htm*. DOT has revised the form for the letter of interest to reflect changes made to the TIFIA program by MAP–21. The letter of interest form requires project sponsors to provide information demonstrating satisfaction (or expected satisfaction if permitted by the statute) of each of the eligibility requirements included in MAP–21. DOT estimates that the letter of interest would require approximately 20 hours in each instance to complete.

If a project sponsor is invited to submit an application, DOT estimates that each application will require approximately 100 hours to complete. DOT uses the application to seek a project sponsor's contact information for the applicant entity; project information including name, location, description, rural project description (if applicable), purpose (quantitative/qualitative details), cost and TIFIA credit assistance request, project management and compliance monitoring plan, maintenance and operations plan. DOT also expects project sponsors to submit information confirming that the project satisfies eligibility requirements including creditworthiness (rate covenant, coverage requirements, investment grade rating(s)), fosters partnerships that attract public and private investment, demonstrates that TIFIA assistance would enable the project to proceed at an earlier date or with reduced lifecycle costs and that TIFIA assistance would reduce the contribution of Federal grant assistance.

Sponsors also must report in the application the status of project environmental review (NEPA), permits and approvals, transportation planning and programming process approvals (STIP and TIP), construction contracting process readiness, and expected project schedule. Project sponsors are required to produce a financial plan including estimated capital project cost, amount and type of credit assistance requested, amount of TIFIA assistance requested, a summary table detailing sources and uses of funds, cash flow pro forma, a supplementary narrative detailing other borrowed funds and revenue sources (including pledged repayment source).

Finally, a project sponsor must indicate in the application the proposed terms for the requested TIFIA credit instrument, reasons for selecting the proposed type(s) of credit instrument, flexibility in financial plan to support a reduced percentage-share of TIFIA credit assistance, risks and mitigation strategies, details on the applicant's organizational structure, including background information and legal authority, organization and management, identity of the entity that will serve as the applicant (public-sector agency or private-sector firm),whether the applicant the same entity as the borrower (detail project team members), prior experience, financial condition, and litigation and/or conflicts.

Issued in Washington, DC, on December 6, 2013.

**Patricia Lawton,**

*Departmental PRA Clearance Officer, Office of the Secretary.*

[FR Doc. 2013–29782 Filed 12–13–13; 8:45 am]

**BILLING CODE 4910–9X–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Supplemental Environmental Impact Statement for the Route 460 Location Study, Prince George County to Suffolk, Virginia

**AGENCY:** Federal Highway Administration, DOT.

**ACTION:** Notice of Intent to prepare a Supplemental Environmental Impact Statement.

**SUMMARY:** The Federal Highway Administration (FHWA) and the United States Department of the Army Corps of Engineers (USACE), as joint lead federal agencies and in cooperation with the Virginia Department of Transportation (VDOT) will prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate the Route 460 Location Study Final Environmental Impact Statement (FEIS) and a Department of the Army Individual Permit (IP) Application. The purpose of this SEIS is to evaluate new information regarding the aquatic resource impacts to the preferred alternative described in the June 2008 FEIS and approved in the September 2008 Record of Decision (ROD). In addition, FHWA is evaluating proposed changes to the termini of the selected alternative and the proposed interchange at Route 620, and proposed changes to the selected alignment to avoid and minimize aquatic resource impacts. The USACE is preparing the document as part of its evaluation of the IP application submitted by U.S. Route 460 Mobility Partners (the Applicant) for the discharge of fill material into waters of the United States in conjunction with the construction of the Route 460 Corridor Improvements Project (Project).

**DATES:** Submit comments on or before January 15, 2014.

**FOR FURTHER INFORMATION CONTACT:** Ed Sundra, Federal Highway Administration, 400 North 8th Street, Suite 750, Richmond, VA 23219; email: *Ed.Sundra@dot.gov;* (804) 775–3357. Alice Allen-Grimes, U.S. Army Corps of Engineers, Regulatory Branch, 803 Front Street, Norfolk, VA 23510; email: *Alice.W.Allen-Grimes@usace.army.mil;* (757) 201–7219.

**SUPPLEMENTARY INFORMATION:**

1. *Description of the Proposed Action and Background:* VDOT proposes to construct a limited access principle arterial tolled facility on new location for approximately 55 miles which would be located to the south and roughly parallel to the existing Route 460 corridor between Interstate 295 in Prince George County and Route 58 in the City of Suffolk, Virginia. The typical section consists of a four-lane, divided highway with two-twelve foot lanes in each direction, a 40-foot median, and paved shoulders. Seven interchanges are proposed along the project at the secondary roads. The Applicant has entered into a design-build contract with VDOT to design and construct the Project.

Upon determining that the submitted permit application is complete, the USACE will issue a public notice and continue processing the permit application.

An FEIS for the Route 460 Location Study was approved by FHWA in June 2008, and a ROD was issued in September 2008. In November 2012, based upon the information before them at the time, FHWA completed a National Environmental Policy Act (NEPA) Re-evaluation of the FEIS concluding that a SEIS was not needed. Based on new information bearing on the environmental impacts, including the aquatic impacts, it was later decided that an SEIS is required.

The SEIS will review information from the Route 460 Location Study FEIS/ROD, incorporate new information, update the alternatives and impacts analyses, and assess impacts not previously evaluated in the FEIS/ROD. To streamline federal processes, the SEIS will also include the USACE's NEPA evaluation.

2. *Alternatives:* Alternatives to be considered for the proposed project are the No-Build Alternative, the preferred alternative (applicant preferred alternative for the USACE); the preferred alternative revised to include one or more of the following proposed changes: Changes to the termini, the proposed interchange at Route 620, and alignment shifts to avoid and minimize impacts; and potentially, other alternatives identified during the SEIS process in coordination with the USACE. The SEIS will document the alternatives previously eliminated from consideration by FHWA. In order that the USACE may fulfill its required alternatives analysis responsibilities, consideration will also be given to the alternative from the DEIS to improve the existing Route 460 corridor (CBA–2), an alternative to provide a limited access tolled facility along the existing Route 460 corridor (CBA–2 Tolled), and any other options along the existing alignment that may reduce the needed footprint and are found to be feasible and address the purpose and need of the project as stated in the draft SEIS.

Actions available to the USACE for the proposed project are to issue the IP, issue the IP with special conditions, or deny the IP.

3. *Scoping and Public Review Process:* Throughout the development of the project, a variety of scoping and public involvement opportunities were provided to alert the public about the project, provide information and updates, and solicit feedback. These opportunities included but were not limited to a series of public hearings in the corridor when the DEIS was issued in 2005 and a series of public meetings in 2007 under Virginia's PPTA to evaluate conceptual proposals received from the private sector in response to the solicitation of proposals. Most recently, VDOT hosted public meetings in 2012 to update the public on the project and respond to public input.

To ensure that a full range of issues related to the Project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties via letter or email. Comments and suggestions concerning the range of issues to be evaluated under the SEIS should be submitted to FHWA and the Corps (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of issuance of this notice to ensure timely consideration.

Based on the extensive public involvement to date on the proposed Project, no public input on the scope of the SEIS will be requested beyond the solicitation by this notice for comments on the range of issues to be evaluated. No formal scoping meetings will be held.

The Draft SEIS is expected to be published and circulated in the Spring of 2014. Notification of the availability of the draft SEIS for public and agency review will be made in the **Federal Register** and using other methods to be jointly determined by FHWA, USACE and VDOT. Those methods will identify where interested parties can go to review a copy of the draft SEIS.

For the draft SEIS, public meetings will be held after the publication of the Draft SEIS and a 45-day comment period will be provided. The public meetings will be conducted by VDOT and announced a minimum of 15 days in advance of the meetings. VDOT will provide information for the public meetings, including date, time and location through a variety of means including their Web site (*http://www.virginiadot.org/default_noflash.asp*) and by newspaper advertisement. In addition to the draft SEIS public involvement opportunities, the USACE will issue a public notice for a 30-day comment period following receipt of a complete application.

4. *Issues:* Based on coordination between FHWA, USACE, and VDOT, the issues to be analyzed in the SEIS will include, but are not limited to, alternatives based on the updated effects to aquatic resources including wetland and stream impacts, threatened and endangered species, relocations, cultural resources, and cost.

5. *Additional Review and Consultation:* The SEIS will comply with other Federal and State requirements including, but not limited to, the State water quality certification under Section 401 of the CWA; protection of water quality under the Virginia/National Pollutant Discharge Elimination System; consideration of minority and low income populations under Executive Oder 12898; protection of endangered and threatened species under Section 7 of the Endangered Species Act; and protection of cultural resources under Section 106 of the National Historic Preservation Act.

**Authority:** 23 U.S.C. 315; 49 CFR 1.48; 33 CFR Part 325.

(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 by: December 10, 2013.

**Edward Sundra,**

*Director of Program Development, Federal Highway Administration, Virginia Division.*

[FR Doc. 2013–29836 Filed 12–13–13; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket No. FRA–2013–0002–N–24]**

### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration (FRA), United States Department of Transportation (USDOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than February 14, 2014.

**ADDRESSES:** Submit written comments on any or all of the following proposed activities by mail to either: Ms. Janet Wylie or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB control number 2130–0580.'' Alternatively, comments may be transmitted via facsimile to (202) 493–6170, or via email to Ms. Wylie at *janet.wylie@dot.gov*, or to Ms. Toone at *Kim.Toone@dot.gov*. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Ms. Janet Wylie, Office of Information and Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6353) or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR §§ 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(i)–(iv); 5 CFR § 1320.8(d)(1)(i)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. FRA reasons that comments received will advance three objectives: (i) reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

*Title:* Notice of Funding Availability and Solicitations of Applications for Grants under the Railroad Rehabilitation and Repair Grant Program.

*OMB Control Number:* 2130–0580.

*Abstract:* The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. 110–329; September 30, 2008), established the Railroad Rehabilitation and Repair Program, making Federal funds available directly to States. This Program allowed grants to fund up to 80 percent of the cost of rehabilitation and repairs to Class II and Class III railroad infrastructure damaged by hurricanes, floods, and other natural disasters in areas that are located in counties that have been identified in a Disaster Declaration for Public Assistance by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974. Funding was made available on a reimbursement basis for costs incurred after a major disaster declaration that was made between January 1, 2008 and the date of the publication of the notice of funding availability in the counties covered by such a declaration. Rehabilitation and repairs include rights-of-way, bridges, signals, and other infrastructure which is part of the general railroad system of transportation and primarily used by railroads to move freight traffic.

FRA recently revised this Information Collection Request (ICR) to allow for the

submission of additional grants under this program based on the Notice of Funding Availability published by FRA on 10/13/2013 and the emergency clearance request approved by OMB on 11/05/2013. Any grants submitted as part of this previous ICR were due by December 9, 2013. Therefore, this revision no longer includes any burden hours for the application process, as no new applications are being accepted at this time.

Due to the nature of these disaster assistance funds, current economic conditions, and the various States need for immediate assistance to vital freight transportation pathways and the important role these sectors of transportation play in the overall national economy, FRA is requesting OMB to extend this ICR in order to manage the current grants obligated under this program until the remaining grants have properly closed-out and are completed.

*Form Number(s):* SF–425, SF–271, SF–270.

*Affected Public:* Railroads, Businesses, States/Local governments.

*Reporting Burden:* Close-out Procedures.

*Respondent Universe:* 49.

*Total Annual Responses:* 6.

*Average time per response:* 84.

*Total Annual Burden Hours:* 504.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.

Issued in Washington, DC, on December 3, 2013.

**Rebecca Pennington,**

*Chief Financial Officer.*

[FR Doc. 2013–29769 Filed 12–13–13; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Safety Advisory 2013–08]**

### Operational Tests and Inspections for Compliance With Maximum Authorized Train Speeds and Other Speed Restrictions

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of safety advisory; Operational tests and inspections for compliance with maximum authorized train speeds and other speed restrictions.

**SUMMARY:** FRA is issuing Safety Advisory 2013–08 to stress to railroads and their employees the importance of compliance with Federal regulations and applicable railroad operating rules regarding maximum authorized train speed limits and any relevant speed restrictions. This safety advisory contains five recommendations to railroads to ensure that compliance with maximum authorized speeds and other speed restrictions are addressed by appropriate railroad operating policies and procedures and to ensure that those policies and procedures are effectively implemented.

**FOR FURTHER INFORMATION CONTACT:** Thomas Herrmann, Acting Director, Office of Safety Assurance and Compliance, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 493–6037.

**SUPPLEMENTARY INFORMATION:** The overall safety of railroad operations has improved in recent years. However, the recent fatal accident in Spuyten Duyvil, Bronx, New York, which is the subject of FRA's Emergency Order No. 29, highlights the need to ensure that speed restrictions mandated by Federal regulation and those imposed by a railroad's own operating rules are adhered to. That accident also demonstrates the importance of operational testing that pertains to ensuring employee compliance with applicable speed limitations and restrictions.

#### Metro-North Spuyten Duyvil Derailment

On Sunday, December 1, 2013, Metro-North passenger train 8808 (Train 8808) was traveling south from Poughkeepsie, New York, to Grand Central Terminal in New York City when, at approximately 7:20 a.m., the train derailed as it approached the Spuyten Duyvil Station. The train consisted of seven passenger coach cars, including a control cab locomotive in the lead position, and a conventional locomotive at the rear of the train, operating in a push-pull configuration (a control cab locomotive is both a passenger car, in that it has seats for passengers, and a locomotive, in that it has a control cab from which the engineer can operate the train). Each of the seven cars derailed along with the trailing locomotive. As of December 6, the derailment has resulted in four fatalities and more than 60 reported injuries.

As is customary, the National Transportation Safety Board (NTSB) has taken the lead role in conducting the investigation of this accident pursuant to its legal authority. 49 U.S.C. 1101 *et seq.;* 49 CFR 800.3(a), 831.2(b). FRA is also investigating the accident. As Train 8808 approached the Spuyten Duyvil Station from the north, it traveled over a straightaway with a maximum authorized passenger train speed of 70 mph before reaching a sharp curve in the track where, by the railroad's own rules, the maximum authorized speed was reduced to 30 mph. A preliminary review of the information on the locomotive event recorders by NTSB indicates that the train was traveling approximately 82 mph as it entered the curve's 30-mph speed restriction. This means Train 8808 was exceeding the maximum authorized speed on the straightaway by 12 mph and traveling nearly three times the railroad's maximum authorized speed as it entered the curve. Information obtained from the train's event recorders also indicates that approximately six seconds before the locomotive came to a stop, the locomotive throttle was placed in idle and an application of the train's brake system was made.

FRA's accident statistics reveal that the railroad industry's recent safety record with regard to this area of compliance on main tracks is good, but FRA believes the December 1 accident highlights the need to remain vigilant in ensuring employee compliance with operational speed limits and restrictions for trains and locomotives. As such, FRA intends to focus its inspections on railroad operational testing activity over the next several months on compliance with maximum authorized train speeds and relevant speed restrictions. FRA strongly encourages railroads and other industry members to re-emphasize the importance of compliance with maximum authorized train speeds and any applicable speed restrictions, and to conduct operational testing at a level that will ensure compliance with all posted speed restrictions.

*Recommended Railroad Action:* In light of the recent accident discussed above, and in an effort to ensure the safety of the Nation's railroads, their employees, and the general public, FRA recommends that railroads do each of the following:

(1) Review the circumstances of the December 1, 2013, Spuyten Duyvil derailment with each of their operating employees.

(2) Provide instruction to their employees during training classes and safety briefings on the importance of compliance with maximum authorized train speed limits and other speed restrictions. This training should

include discussion of the railroad's absolute speed limits, speed restrictions based on physical characteristics, temporary speed restrictions, and any other restrictions commonly encountered.

(3) Remind their employees that Federal railroad safety regulation, at 49 CFR 240.305(a)(2) and 242.403(e)(2), prohibits the operation of a locomotive or train at a speed which exceeds the maximum authorized speed by at least 10 mph.

(4) Evaluate quarterly and 6-month reviews of operational testing data as required by 49 CFR 217.9. A railroad should consider increasing the frequency of operational testing where its reviews show any non-compliance with maximum authorized train speeds. A significant number of operational tests should be conducted on trains that are required to reduce speed by more than 20 mph from the maximum authorized train speed. Operational tests should use the reliable methods available, such as reviewing locomotive event recorder data and testing by radar to verify compliance with maximum authorized speeds.

(5) Reinforce the importance of communication between train crewmembers located in the controlling locomotive, particularly during safety critical periods when multiple tasks are occurring (e.g., copying mandatory directives, closely approaching or passing fixed signals and/or cab signals at a reduced speed, approaching locations where the train's movement authority is being restricted, during radio conversations with other employees or job briefings about track characteristics) and during extended periods of inactivity.

FRA encourages all railroad industry members to take actions consistent with the preceding recommendations. FRA may modify this Safety Advisory 2013–08, issue additional safety advisories, or take other appropriate action necessary to ensure the highest level of safety on the Nation's railroads, including pursing other corrective measures under its rail safety authority.

Issued in Washington, DC on December 10, 2013.

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety and Chief Safety Officer.*

[FR Doc. 2013–29762 Filed 12–13–13; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[Docket No. AB 290 (Sub-No. 359X)]**

### Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Isle of Wight, Southampton, Greensville, and Brunswick Counties, VA.

On November 26, 2013, Norfolk Southern Railway Company (NSR) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue service over approximately 53.2 miles of rail line, extending from milepost FD 37.0 near Franklin to the end of the line at milepost FD 90.2 at Edgerton, in Isle of Wight, Southampton (including the independent City of Franklin), Greensville (including the independent City of Emporia), and Brunswick Counties, Va. (the Line). The Line traverses United States Postal Service Zip Codes 23829, 23837, 23844, 23847, 23851, 23856, and 23868, and includes the stations of Lawrenceville, Edgerton, Kingsberry, Emporia, Green Plain, Drewryville, Capron, and Courtland. According to the petition, the Line is stub-ended and therefore not capable of handling overhead traffic.

NSR states that, based on information in its possession, the Line does not contain federally granted rights-of-way. Any documentation in NSR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by March 14, 2014.

Because this is a discontinuance proceeding and not an abandonment proceeding, interim trail use/rail banking and public use conditions are not appropriate. Similarly, no environmental or historic documentation is required under 49 CFR 1105.6(c)(2) and 1105.8(b).

Any offer of financial assistance under 49 CFR 1152.27(b)(2) to subsidize continued rail service will be due no later than March 24, 2014, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner. Each offer must be accompanied by a $1,600 filing fee. *See* 49 CFR 1002.2(f)(25).

All filings in response to this notice must refer to Docket No. AB 290 (Sub-No. 359X) and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001; and (2) Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Avenue NW., Suite 300, Washington, DC 20037. Replies to the petition are due on or before January 6, 2014.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment and discontinuance regulations at 49 C.F.R. pt. 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0305. [Assistance for the hearing impaired is available through Federal Information Relay Service (FIRS) at 1–800–877–8339.]

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*.''

Decided: December 10, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Derrick A. Gardner,**

*Clearance Clerk.*

[FR Doc. 2013–29781 Filed 12–13–13; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0783]**

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before January 15, 2014.

**ADDRESSES:** Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, 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. 2900–0783'' in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0783, Non-Profit Research and Education Corporations (NCPs) Data Collection.''

**SUPPLEMENTARY INFORMATION:**

*Title:* Non-Profit Research and Education Corporations (NCPs) Data Collection, VA Forms 10–1073; 10–10073A; 10–10073B, 10–10073C.

*Type of Review:* Revision of an existing collection.

*Abstract:* The combined NPC Annual Report to Congress is described in Section 7366(d) ''The Secretary (DVA) shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the corporation (NPCs) established under this subchapter.'' Section 7366(d) goes on to list some of the specific information required by Congress. The sources for all of the information contained in the NPC Annual Report to Congress are the individual NPC Annual Report Templates submitted by each of the NPCs.

a. VA Form 10–10073, NPC Annual Report Template
b. VA Form 10–10073A, NPC Audit Actions Items Remediation Plans
c. VA Form 10–10073B, NPPO Internal Control Questionnaire
d. VA Form 10–10073C, NPPO Operations Oversight Questionnaire

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 August 29, 2013, Vol. 78, No. 168, page 53508.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 858.

*Estimated Average Burden per Respondent:* 2.861 hours.

*Frequency of Response:* Once.

*Estimated Number of Respondents:* 300.

Dated: December 11, 2013.

By direction of the Secretary.

**Crystal Rennie,**

*VA Clearance Officer, U.S. Department of Veterans Affairs.*

[FR Doc. 2013–29801 Filed 12–13–13; 8:45 am]

**BILLING CODE 8320–01–P**

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## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0567 (The Presidential Memorial Certificate)]**

### Special Notice; Correction

**AGENCY:** National Cemetery Administration, Department of Veterans Affairs.

**ACTION:** Notice; correction.

**SUMMARY:** The Department of Veterans Affairs (VA) published a collection of information notice in a **Federal Register** on November 18, 2013, that listed the incorrect title of the VA Form in the 60 day **Federal Register** Notice information. This document corrects the errors by adding the **Federal Register** notice information.

**FOR FURTHER INFORMATION CONTACT:** Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 632–7492.

**Correction**

In FR Doc. 2900–0567, published on November 18, 2013, at 7, make the following corrections.

On page 69175, in the title, please correct to read: Proposed Information Collection Activity: (The Presidential Memorial Certificate) Proposed Collection; Comment Request

On page 69176, under *Title* paragraph, please correct to read: Presidential Memorial Certificate.

On page 69176, under *Abstract* paragraph, please correct to read: VA Form 40–0247 is used by respondents to order new certificates honoring the memory and service of honorably discharged deceased Veterans. A respondent is an eligible recipient that includes the next-of-kin, other relatives or friends.

Dated: December 11, 2013.

By direction of the Secretary.

**Crystal Rennie,**

*VA Clearance Officer, U.S. Department of Veterans Affairs.*

[FR Doc. 2013–29804 Filed 12–13–13; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–NEW (Foot (Including Flatfeet (pes planus)) Conditions Disability Benefits Questionnaire)]**

### Special Notice; Correction

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice; correction.

**SUMMARY:** The Department of Veterans Affairs (VA) published a collection of information notice in a **Federal Register** on November 15, 2013, that omitted 60-day **Federal Register** Notice information. This document corrects the errors by adding the **Federal Register** notice information.

**FOR FURTHER INFORMATION CONTACT:** Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 632–7492.

**Correction**

In FR Doc. 2013–27396, published on November 15, 2013, at 78FR68908, make the following corrections.

On page 68908, in the first column, under the **SUPPLEMENTARY INFORMATION**'s, above the ''Affected Public'' section, add the following 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 OMB control number. The **Federal Register** Notice with a 60-day comment June 10, 2013, at pages 34708–34709.''

Dated: December 11, 2013.

By direction of the Secretary.

**Crystal Rennie,**

*VA Clearance Officer, U.S. Department of Veterans Affairs.*

[FR Doc. 2013–29805 Filed 12–13–13; 8:45 am]

**BILLING CODE 8320–01–P**

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## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0766]**

### Agency Information Collection (Care Coordination Home Telehealth (CCHT) Patient Satisfaction Survey) Activities Under OMB Review

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Health Administration (VHA), Department of

Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection required to obtain patient perspective on satisfaction with the CCHT program and messaging devices.

**DATES:** Comments must be submitted on or before January 15, 2014.

**ADDRESSES:** Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, 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. 2900–0766'' in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0709, *(*Regulation on Reduction of Nursing Shortages in State Homes; Application for Assistance for Hiring and Retaining Nurses at State Homes*).''*

**SUPPLEMENTARY INFORMATION:**

*Title:* Care Coordination Home Telehealth (CCHT) Patient Satisfaction Survey, VA Form 10–0481.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* Patients enrolled in the CCHT program will receive survey questions through a messaging device located in their home. Patients can select an answer by the use of buttons, a touch screen application or electronically spoken to them through an Interactive Voice Response if they are visually impaired.

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 Vol. 78 No. 168, at pages 53506–53507.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 1640.

*Estimated Average Burden per Respondent:* 1.5 hours.

*Frequency of Response:* Quarterly.

*Estimated Number of Respondents:* 65,600.

Dated: December 11, 2013.

By direction of the Secretary.

**Crystal Rennie,**

*VA Clearance Officer, U.S. Department of Veterans Affairs.*

[FR Doc. 2013–29800 Filed 12–13–13; 8:45 am]

BILLING CODE 8320–01–P

# Reader Aids

**Federal Register**

Vol. 78, No. 241

Monday, December 16, 2013

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**Reminders.** Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

**CFR Checklist.** Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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