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FEDERAL RESERVE SYSTEM

12 CFR Parts 208 and 225

[Regulations H, Q, and Y; Docket No. R–1459]

RIN 7100 AD–98

Risk-Based Capital Guidelines; Market Risk

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a final rule that revises its market risk capital rule (market risk rule) to address recent changes to the Country Risk Classifications (CRCs) published by the Organization for Economic Cooperation and Development (OECD), which are referenced in the Board's market risk rule; to clarify the treatment of certain traded securitization positions; to make a technical amendment to the definition of covered position; and to clarify the timing of the required market risk disclosures. These changes conform the Board's current market risk rule to the requirements in the Board's new capital framework and thereby allow the current market risk rule to serve as a bridge until the new capital framework becomes fully effective for all banking organizations.

DATES: *Effective date:* April 1, 2014. Any company subject to the rule may elect to adopt it before this date.

FOR FURTHER INFORMATION CONTACT: Constance Horsley, Manager, (202) 452–5239, or Timothy Geishecker, Senior Supervisory Financial Analyst, (202) 475–6353, Capital and Regulatory Policy, Division of Banking Supervision and Regulation; or Benjamin McDonough, Senior Counsel, (202) 452–2036, or Mark Buresh, Attorney (202) 452–5270, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

On July 22, 2013, the Board published in the **Federal Register** a notice of proposed rulemaking (the NPR or the proposal) seeking public comment on the Board's proposal to revise its market risk rule.[1] As indicated in the proposal, the Board had previously amended its market risk rule (the August 2012 final rule)[2] to better capture positions for which the market risk rule is appropriate, reduce pro-cyclicality, enhance the rule's sensitivity to risks that were not adequately captured under the existing methodologies, increase transparency through enhanced disclosures, and implement certain provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act), including the prohibition against including references to credit ratings in Federal regulations set forth in section 939A.[3][4]

The proposal would have addressed recent changes to the country risk classifications (CRCs) published by the Organization for Economic Cooperation and Development (OECD) that would affect the calculation of specific risk capital requirements for certain covered positions, clarified the treatment of certain traded securitization positions, made a technical amendment to the definition of covered position, and clarified the timing of required market risk disclosures. These proposed changes would have conformed the Board's current market risk rule to the material requirements in the Board's new capital framework and thereby would have allowed the current market risk rule to serve as a bridge until the new capital framework becomes fully effective for all banking organizations.[5] The Board received no comments regarding the proposal and therefore, for the same reasons as discussed in the proposal, is finalizing the rule as proposed.

II. Description of the Final Market Risk Rule

A. Sovereign Debt Positions

Under the current market risk rule, a sovereign entity is defined as a central government (including the U.S. government) or an agency, department, ministry, or central bank of a central government. The specific risk capital requirement for a sovereign debt position that is not backed by the full faith and credit of the United States is determined, in part, using CRCs based on the OECD's CRC methodology. The OECD's CRCs are an assessment of

[1] 78 FR 43829 (July 22, 2013). The Board's current market risk rule is at 12 CFR parts 208 and 225, Appendix E (state member banks and bank holding companies, respectively).

[2] The Office of the Comptroller of the Currency, the Board, and the Federal Deposit Insurance Corporation (collectively, the agencies) published a final rule on August 30, 2012 to revise their respective market risk rules (77 FR 53059 (August 30, 2012)).

[3] The August 2012 final rule incorporated features of documents published by the Basel Committee on Bank Supervision (BCBS) and the International Organizations of Securities Commissions (IOSCO) in 2005, 2009, and 2010 that revised the market risk framework. The BCBS published a revised capital framework in 2004 entitled *International Convergence of Capital Measurement and Capital Standards: A Revised Framework* (Basel II Accord) (available at *http://www.bis.org/publ/bcbs107.htm*) and, between 2005 and 2010, made revisions included in the 2005 publication of *The Application of Basel II to Trading Activities and the Treatment of Double Default Effects* (available at *http://www.bis.org/publ/bcbs111.htm*); the 2009 publications of *Revisions to the Basel II Market Risk Framework* (available at *http://www.bis.org/publ/bcbs158.htm*), *Guidelines for Computing Capital for Incremental Risk in the Trading Book* (available at *http://www.bis.org/publ/bcbs159.htm*), and *Enhancements to the Basel II Framework* (available at *http://www.bis.org/publ/bcbs/basel2enh0901.htm*); and the 2010 publication that established a floor on the risk-based capital requirement for modeled correlation trading positions (available at *http://www.bis.org/press/p100618/annex.pdf*). The agencies provided additional detail on this history in the preamble to the August 2012 final rule (*see* 77 FR 53060, 53060–53062 (August 30, 2012)).

[4] Public Law 111–203, 124 Stat. 1376 (July 21, 2010). Section 939A(a) of the Dodd-Frank Act provides that not later than 1 year after the date of enactment, each Federal agency shall: (1) Review any regulation issued by such agency that requires the use of an assessment of the credit-worthiness of a security or money market instrument; and (2) any references to or requirements in such regulations regarding credit ratings. Section 939A further provides that each such agency ''shall modify any such regulations identified by the review under subsection (a) to remove any reference to or requirement of reliance on credit ratings and to substitute in such regulations such standard of credit-worthiness as each respective agency shall determine as appropriate for such regulations.'' *See* 15 U.S.C. 78o–7 note. The August 2012 final rule incorporated non-credit ratings based standards for measuring specific risk capital requirements.

[5] 78 FR 62017 (October 11, 2013).

country risk, used to set interest rates for transactions covered by the OECD arrangement on export credits.

The OECD's CRC methodology was established in 1999 and classifies countries into categories based on the application of two basic components: (1) The country risk assessment model (CRAM), which is an econometric model that produces a quantitative assessment of country credit risk; and (2) the qualitative assessment of the CRAM results, which integrates political risk and other risk factors not fully captured by the CRAM. The two components of the CRC methodology are combined and result in countries being classified into one of eight risk categories (0–7), with countries assigned to the 0 category having the lowest possible risk assessment and countries assigned to the 7 category having the highest. The OECD regularly updates CRCs for over 150 countries. Also, CRCs are recognized by the BCBS as an alternative to credit ratings.

As noted in the preamble to the August 2012 final rule, the agencies determined that the use of CRCs to measure sovereign risk for purposes of their respective risk-based capital regulations is permissible under section 939A of the Dodd-Frank Act, because section 939A was not intended to apply to assessments made by organizations such as the OECD. Additionally, the agencies noted that the use of the CRCs was limited in scope.

Following the publication of the August 2012 final rule, the OECD determined that it will no longer classify certain high-income countries that previously received a CRC of zero. Under the August 2012 final rule, sovereign debt positions without a CRC generally receive a specific risk-weighting factor of 8 percent (the equivalent of a 100 percent risk weight). According to the OECD, the CRAM was not used to categorize high-income OECD and Euro Area countries, and therefore the OECD determined that applying a CRC to such countries was no longer appropriate.[6] The OECD also stated that such countries ''will remain subject to the same market credit risk pricing disciplines that are applied to all Category Zero countries,'' and ''[t]his means that the change has no practical impact on the rules that apply to the provision of official export credits.'' [7]

The Board believes that referencing CRCs in its market risk rule is appropriate and represents a reasonable alternative to credit ratings for sovereign exposures. The CRC methodology also is more granular and risk-sensitive than the previous risk-weighting methodology, which was based solely on a sovereign entity's OECD membership. Furthermore, referencing CRCs poses moderate additional burden for banking organizations, because the OECD regularly updates CRCs and makes the assessments available on its public Web site. Additionally, the use of CRCs is consistent with the treatment of sovereign debt positions in the Basel II Accord.[8]

Consistent with the August 2012 final rule, this final rule maps the risk weights to CRCs in a manner consistent with the Basel II standardized approach, which provides risk weights for exposures to foreign sovereigns based on CRCs. This final rule amends the Board's market risk rule to allow exposures to OECD member countries that are covered positions and that no longer receive a CRC or continue to receive a zero percent specific risk-weighting factor (except in cases of default by the sovereign entity). The revised specific risk-weighting factors for sovereign debt positions, with the new category for OECD members with no CRC rating, are set forth in Table 1.

TABLE 1—SPECIFIC RISK-WEIGHTING FACTORS FOR SOVEREIGN DEBT POSITIONS

	Remaining contractual maturity	Risk-weighting factor (in percent)
Sovereign CRC:		
0–1		0
2–3	6 months or less	0.25
	Greater than 6 months and up to and including 24 months	1.0
	Exceeds 24 months	1.6
4–6		8.0
7		12.0
OECD Member with No CRC		0.0
Non-OECD Member with No CRC		8.0
Sovereign Default		12.0

A banking organization may assign to a sovereign debt position a specific risk-weighting factor lower than the applicable specific risk-weighting factor in Table 1 if the position is denominated in the sovereign entity's currency, the banking organization has at least an equivalent amount of liabilities in that foreign currency, and the sovereign entity allows banks under its jurisdiction to assign the lower specific risk-weighting factor to the same exposures to the sovereign entity.

The specific risk-weighting factors for debt positions that are exposures to a public sector entity (PSE), depository institution, foreign bank, or credit union will continue to be tied to the CRC of the applicable sovereign entity. Therefore, under this final rule, a banking organization must assign a specific risk-weighting factor of 0.25, 1.0, or 1.6 percent (depending on the remaining contractual maturity of the position), to a debt position that is an exposure to a PSE, depository institution, foreign bank, or credit union, if the applicable sovereign entity does not have a CRC but is a member of the OECD, unless the sovereign debt position must otherwise be assigned a higher specific risk-weighting factor (for example, in the case of default by the sovereign entity). For each applicable table of specific risk-weighting factors in the rule, the final rule adds an ''OECD Member with No CRC'' category and revises the current ''No CRC'' category to read ''Non-OECD Member with No CRC,'' each with appropriate corresponding specific risk-weighting factors. This additional category addresses those situations, discussed above, where a sovereign entity that had received a CRC of zero will no longer

[6] ''Changes agreed to the Participant Country Risk Classification System,'' *available at: http://www.oecd.org/tad/xcred/cat0.htm.*

[7] *Id.*

[8] *See* footnote 4.

receive a CRC going forward. This approach to an exposure to a sovereign entity, PSE, depository institution, foreign bank, or credit union is consistent with the approach that the Board has adopted in the new capital framework.

The final rule, as well as the current rule, defines default by a sovereign entity as noncompliance by the sovereign entity with its external debt service obligations or the inability or unwillingness of a sovereign government to service an existing loan according to its original terms, as evidenced by failure to pay principal and interest timely and fully, arrearages, or restructuring. A default includes a voluntary or involuntary restructuring that results in a sovereign not servicing an existing obligation in accordance with the obligation's original terms.

B. Securitization Positions—Simplified Supervisory Formula Approach

A banking organization subject to the market risk rule generally must assign a 100 percent specific risk-weighting factor to its securitization positions or apply the so-called Simplified Supervisory Formula Approach (SSFA), which takes into account the nature and quality of the underlying collateral of the securitization and was designed to apply relatively higher capital requirements to the more risky junior tranches of a securitization that are the first to absorb losses and relatively lower requirements to the most senior positions. Consistent with the proposal, this final rule clarifies the treatment of certain securitization positions under the SSFA with regard to determining the delinquency of the underlying exposures as discussed below.

Among the inputs to the SSFA is the ''*W*'' parameter, which increases the capital requirements for a securitization exposure when delinquencies in the underlying assets of the securitization grow. The parameter *W* equals the ratio of (1) the sum of the dollar amounts of any underlying exposures of the securitization that meet certain criteria to (2) the balance, measured in dollars, of underlying exposures. The criteria are that the underlying exposure is 90 days or more past due, subject to a bankruptcy or insolvency proceeding, in the process of foreclosure, held as real estate owned, in default, or has contractually deferred interest payments for 90 days or more.

Banking organizations subject to the market risk rule previously indicated that the criteria could be read to include deferrals of interest that are unrelated to the performance of the loan or the borrower and may inappropriately include certain federally guaranteed student loans. The Board did not intend for parameter *W* to be interpreted in this manner. The market risk rule was intended to capture contractual provisions present in certain instruments that permit borrowers to defer payments due to financial difficulties and, therefore, may conceal credit quality deterioration in the assets underlying a securitization exposure. Accordingly, the final rule clarifies that parameter *W* excludes loans with contractual provisions that allow deferral of principal and interest on federally-guaranteed student loans, in accordance with the terms of those guarantee programs, or on consumer loans including non-federally-guaranteed student loans, provided that such payments are deferred pursuant to provisions included in the contract at the time funds are disbursed that provide for periods of deferral that are not initiated based on changes in the creditworthiness of the borrower. This clarification avoids regulatory disincentives for banking organizations to invest in securitizations, particularly securitizations of federally-guaranteed student loans, where the underlying exposures include provisions that allow for the deferral of certain payments for non-credit related reasons. This clarification is consistent with the approach the Board finalized in the new capital framework.

C. Definition of Covered Position

Consistent with the proposal, this final rule adopts a technical amendment to the definition of ''covered position.'' In the current market risk rule, the covered position definition excludes equity positions that are not publicly traded. The Board has refined this exclusion such that a covered position may include a position in an investment company, as defined in and registered with the SEC under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (or its non-U.S. equivalent), provided that all the underlying equities held by the investment company are publicly traded. The Board believes that a ''look-through'' approach is appropriate in these circumstances because of the liquidity of the underlying positions, so long as the other conditions of a covered position are satisfied. This modification to the definition of ''covered position'' is consistent with the approach the Board finalized in the new capital framework.

D. Timing of Market Risk Disclosures

Also consistent with the proposal, this final rule adopts amendments to the market risk rule regarding the timing of market risk disclosures as proposed. The final rule clarifies when a banking organization subject to the market risk rule must make its required market risk disclosures. The amendments align with the Board's new capital framework and are consistent with the expectation that public disclosures should be made in a timely manner. The final rule provides that a banking organization must provide timely quantitative disclosures after each calendar quarter. In addition, the final rule clarifies that a banking organization is required to provide timely qualitative disclosures at least annually, after the end of the fourth calendar quarter, provided any significant changes must be disclosed in the interim.

As indicated in the proposal, the timing of disclosures that are required by the federal banking agencies may not always coincide with the timing of disclosures required under other federal laws, including disclosures required under the federal securities laws and their implementing regulations by the SEC. For calendar quarters that do not correspond to fiscal year-end, the Board considers those disclosures that are made within 45 days of the end of the calendar quarter (or within 60 days for the limited purpose of the banking organization's first reporting period in which it is subject to the rule) as timely. In general, where a banking organization's fiscal year-end coincides with the end of a calendar quarter, the Board considers disclosures to be timely if they are made no later than the applicable SEC disclosure deadline for the corresponding Form 10–K annual report. In cases where an institution's fiscal year-end does not coincide with the end of a calendar quarter, the Board will consider the timeliness of disclosures on a case-by-case basis. In some cases, a banking organization's management may determine that a significant change has occurred, such that the most recent reported amounts do not reflect the banking organization's capital adequacy and risk profile. In those cases, a banking organization must disclose the general nature of these changes and briefly describe how they are likely to affect public disclosures going forward.

E. Effective Date of the Final Rule

The final rule will be effective April 1, 2014; however, any bank holding company or state member bank subject to the market risk rule may elect to adopt the requirements in the final rule before the effective date.

III. Administrative Law Matters

A. Solicitation of Comments and Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act (Pub. L. 106–102, 113 Stat. 1338, 1471, 12 U.S.C. 4809) requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The Board sought to present the proposed rule in a simple and straightforward manner and solicited comment on how to make the proposed rule easier to understand. No comments were received on the use of plain language.

B. Paperwork Reduction Act Analysis

In accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506; 5 CFR part 1320, Appendix A.1), the Board reviewed the final rule under the authority delegated to the Board by Office of Management and Budget (OMB). No additional collections of information pursuant to the Paperwork Reduction Act are contained in this final rule.

C. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA) requires an agency to provide a final regulatory flexibility analysis with a final rule or to certify that the rule will not have a significant economic impact on a substantial number of small entities (defined for purposes of the RFA beginning on July 22, 2013, to include banks with assets less than or equal to $500 million) [9] and publish its analysis or a summary, or its certification and a short, explanatory statement, in the **Federal Register** along with the final rule.

The Board is providing a final regulatory flexibility analysis with respect to this final rule. As discussed above, this final is designed to enhance the safety and soundness of entities with substantial trading activities that the Board supervises. The Board received no public comments on the proposed rule from members of the general public or from the Chief Counsel for Advocacy of the Small Business Administration. Thus, no issues were raised in public comments relating to the Board's initial regulatory flexibility act analysis and no changes are being made in response to such comments.

Under regulations issued by the Small Business Administration, a small entity includes a depository institution or bank holding company with total assets of $500 million or less (a small banking organization). As of September 30, 2013, there were 630 small state member banks. As of June 30, 2013, there were approximately 3,760 small bank holding companies. The final rule will apply only to banking organizations supervised by the Board with aggregate trading assets and trading liabilities (as reported in the banking organizations' most recent quarterly regulatory reporting form) equal to 10 percent or more of quarter-end assets or $1 billion or more. Currently, no small state member bank or small banking holding company meets these threshold criteria, so there will be no additional projected compliance requirements imposed on small banking organizations supervised by the Board. For bank holding companies and state member banks subject to this final rule, this final rule is not expected to impose additional reporting, recordkeeping, or other compliance requirements, other than minimal one-time systems changes.

The Board believes that the final rule will not have a significant economic impact on small banking organizations supervised by the Board and therefore believes that there are no significant alternatives to the final rule that would reduce the economic impact on small banking organizations supervised by the Board.

[9] *See* 13 CFR 121.201. Effective July 22, 2013, the Small Business Administration revised the size standards for banking organizations to $500 million in assets from $175 million in assets. 78 FR 37409 (June 20, 2013).

List of Subjects

12 CFR Part 208

Confidential business information, Crime, Currency, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements, Securities.

12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

Board of Governors of the Federal Reserve System

12 CFR Chapter II

Authority and Issuance

For the reasons set forth in the preamble, parts 208 and 225 of chapter II of title 12 of the Code of Federal Regulations are amended as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

■ 1. The authority citation for part 208 continues to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1818, 1820(d)(9), 1833(j), 1828(o), 1831, 1831o, 1831p–1, 1831r–1, 1831w, 1831x, 1835a, 1882, 2901–2907, 3105, 3310, 3331–3351, 3905–3909, and 5371; 15 U.S.C. 78b, 78l(b), 78l(i), 780–4(c)(5), 78q, 78q–1, and 78w, 1681s, 1681w, 6801, and 6805; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106 and 4128.

■ 2. Amend Appendix E, section 2, by revising paragraphs (3)(v) through (vii) and adding paragraph (3)(viii) in the definition of ''Covered position'' to read as follows:

Appendix E to Part 208—Risk-Based Capital Guidelines; Market Risk

* * * * *

Section 2. Definitions

* * * * *

Covered position * * *

(3) * * *

(v) Any equity position that is not publicly traded, other than a derivative that references a publicly traded equity and other than a position in an investment company as defined in and registered with the SEC under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*), provided that all the underlying equities held by the investment company are publicly traded;

(vi) Any equity position that is not publicly traded, other than a derivative that references a publicly traded equity and other than a position in an entity not domiciled in the United States (or a political subdivision thereof) that is supervised and regulated in a manner similar to entities described in paragraph (3)(v) of this definition;

(vii) Any position a bank holds with the intent to securitize; or

(viii) Any direct real estate holding.

* * * * *

■ 3. Amend Appendix E, section 10, by:

■ a. Revising paragraph (b)(2)(i)(A), Table 2, and paragraphs (b)(2)(i)(B), (C), and (D), and adding paragraph (b)(2)(i)(E);

■ b. Revising paragraph (b)(2)(iv)(A) and Table 3;

■ c. Revising paragraph (b)(2)(v), Table 4 and Table 5 to read as follows:

Section 10. Standardized Measurement Method for Specific Risk

* * * * *

(b) *Debt and securitization positions.** * *

(2) * * *

(i) *Sovereign Debt Positions.* (A) In accordance with table 2, a bank must assign a specific risk-weighting factor to a sovereign debt position based on the CRC applicable to the sovereign entity and, as applicable, the remaining contractual maturity of the position, or, if there is no CRC applicable to the sovereign entity, based on whether the sovereign entity is a member of the OECD. Notwithstanding any other provision in this Appendix E, sovereign debt positions that are backed by the full faith and credit of the United States are treated as having a CRC of 0.

TABLE 2—SPECIFIC RISK-WEIGHTING FACTORS FOR SOVEREIGN DEBT POSITIONS

	Specific risk-weighting factor (in percent)		
CRC	0–1	0.0	
	2–3	Remaining contractual maturity of 6 months or less	0.25
		Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
		Remaining contractual maturity exceeds 24 months	1.6
	4–6	8.0	
	7	12.0	
OECD Member with No CRC	0.0		
Non-OECD Member with No CRC	8.0		
Default by the Sovereign Entity	12.0		

(B) Notwithstanding paragraph (b)(2)(i)(A) of this section, a bank may assign to a sovereign debt position a specific risk-weighting factor that is lower than the applicable specific risk-weighting factor in table 2 if:

(*1*) The position is denominated in the sovereign entity's currency;

(*2*) The bank has at least an equivalent amount of liabilities in that currency; and

(*3*) The sovereign entity allows banks under its jurisdiction to assign the lower specific risk-weighting factor to the same exposures to the sovereign entity.

(C) A bank must assign a 12.0 percent specific risk-weighting factor to a sovereign debt position immediately upon determination a default has occurred; or if a default has occurred within the previous five years.

(D) A bank must assign a 0.0 percent specific risk-weighting factor to a sovereign debt position if the sovereign entity is a member of the OECD and does not have a CRC assigned to it, except as provided in paragraph (b)(2)(i)(C) of this section.

(E) A bank must assign an 8.0 percent specific risk-weighting factor to a sovereign debt position if the sovereign entity is not a member of the OECD and does not have a CRC assigned to it, except as provided in paragraph (b)(2)(i)(C) of this section.

* * * * *

(iv) *Depository institution, foreign bank, and credit union debt positions.* (A) Except as provided in paragraph (b)(2)(iv)(B) of this section, a bank must assign a specific risk-weighting factor to a debt position that is an exposure to a depository institution, a foreign bank, or a credit union in accordance with table 3, based on the CRC that corresponds to that entity's sovereign of incorporation or the OECD membership status of that entity's sovereign of incorporation if there is no CRC applicable to the entity's sovereign of incorporation, and, as applicable, the remaining contractual maturity of the position.

TABLE 3—SPECIFIC RISK-WEIGHTING FACTORS FOR DEPOSITORY INSTITUTION, FOREIGN BANK, AND CREDIT UNION DEBT POSITIONS

	Specific risk-weighting factor (in percent)	
CRC 0–2 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

* * * * *

(v) *PSE debt positions.* (A) Except as provided in paragraph (b)(2)(v)(B) of this section, a bank must assign a specific risk-weighting factor to a debt position that is an exposure to a PSE in accordance with table 4 and table 5 depending on the position's categorization as a general obligation or revenue obligation, based on the CRC that corresponds to the PSE's sovereign of incorporation or the OECD membership status of the PSE's sovereign of incorporation if there is no CRC applicable to the PSE's sovereign of incorporation, and, as applicable, the remaining contractual maturity of the position.

(B) A bank may assign a lower specific risk-weighting factor than would otherwise apply under tables 4 and 5 to a debt position that is an exposure to a foreign PSE if:

(*1*) The PSE's sovereign of incorporation allows banks under its jurisdiction to assign a lower specific risk-weighting factor to such position; and

(*2*) The specific risk-weighting factor is not lower than the risk weight that corresponds to the PSE's sovereign of incorporation in accordance with tables 4 and 5.

(C) A bank must assign a 12.0 percent specific risk-weighting factor to a PSE debt

position immediately upon determination that a default by the PSE's sovereign of incorporation has occurred or if a default by the PSE's sovereign of incorporation has occurred within the previous five years.

TABLE 4—SPECIFIC RISK-WEIGHTING FACTORS FOR PSE GENERAL OBLIGATION DEBT POSITIONS

	General obligation specific risk-weighting factor (in percent)	
CRC 0–2 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

TABLE 5—SPECIFIC RISK-WEIGHTING FACTORS FOR PSE REVENUE OBLIGATION DEBT POSITIONS

	Revenue obligation specific risk-weighting factor (in percent)	
CRC 0–1 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 2–3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

* * * * *

■ 4. Amend Appendix E, section 11, by revising paragraph (b)(2) to read as follows:

Section 11. Simplified Supervisory Formula Approach

* * * * *

(b) *SSFA parameters.* * * *

(2) Parameter W is expressed as a decimal value between zero and one. Parameter W is the ratio of the sum of the dollar amounts of any underlying exposures of the securitization that meet any of the criteria as set forth in paragraphs (i) through (vi) of this paragraph (b)(2) to the balance, measured in dollars, of underlying exposures:

(i) Ninety days or more past due;

(ii) Subject to a bankruptcy or insolvency proceeding;

(iii) In the process of foreclosure;

(iv) Held as real estate owned;

(v) Has contractually deferred payments for 90 days or more, other than principal or interest payments deferred on:

(A) Federally-guaranteed student loans, in accordance with the terms of those guarantee programs; or

(B) Consumer loans, including non-federally-guaranteed student loans, provided that such payments are deferred pursuant to provisions included in the contract at the time funds are disbursed that provide for period(s) of deferral that are not initiated based on changes in the creditworthiness of the borrower; or

(vi) Is in default.

* * * * *

■ 5. Amend Appendix E, section 12, by:

■ a. Revising paragraph (a);

■ b. Revising paragraph (c)(1) introductory text; and

■ c. Revising paragraph (d) introductory text to read as follows:

Section 12. Market Risk Disclosures

(a) *Scope.* A bank must comply with this section unless it is a consolidated subsidiary of a bank holding company or a depository institution that is subject to these requirements or of a non-U.S. banking organization that is subject to comparable public disclosure requirements in its home jurisdiction. A bank must make timely disclosures publicly each calendar quarter. If a significant change occurs, such that the most recent reporting amounts are no longer reflective of the bank's capital adequacy and risk profile, then a brief discussion of this change and its likely impact must be provided as soon as practicable thereafter. Qualitative disclosures that typically do not change each quarter may be disclosed annually, provided any significant changes are disclosed in the interim. If a bank believes that disclosure of specific commercial or financial information would prejudice seriously its position by making public certain information that is either proprietary or confidential in nature, the bank is not required to disclose these specific items, but must disclose more general information about the subject matter of the requirement, together with the fact that, and the reason why, the specific items of information have not been disclosed. The bank's management may provide all of the disclosures required by this section in one place on the bank's public Web site or may provide the disclosures in more than one public financial report or other regulatory reports, provided that the bank publicly provides a summary table specifically indicating the location(s) of all such disclosures.

* * * * *

(c) * * * (1) For each material portfolio of covered positions, the bank must provide timely public disclosures of the following information at least quarterly:

* * * * *

(d) * * * For each material portfolio of covered positions, the bank must provide timely public disclosures of the following information at least annually after the end of the fourth calendar quarter, or more frequently in the event of material changes for each portfolio:

* * * * *

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

■ 6. The authority citation for part 225 is revised to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p–1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331–3351, 3907, and 3909; 15 U.S.C. 1681s, 1681w, 6801 and 6805.

■ 7. Amend Appendix E, section 2, by revising paragraphs (3)(v) through (vii) and adding paragraph (3)(viii) in the definition of ''Covered position'' to read as follows:

Appendix E to Part 225—Capital Adequacy Guidelines for Bank Holding Companies: Market Risk

Section 2. Definitions

* * * * *

Covered position * * *

(3) * * *

(v) Any equity position that is not publicly traded, other than a derivative that references a publicly traded equity and other than a position in an investment company as defined in and registered with the SEC under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*), provided that all the underlying equities held by the investment company are publicly traded;

(vi) Any equity position that is not publicly traded, other than a derivative that references a publicly traded equity and other than a position in an entity not domiciled in the United States (or a political subdivision thereof) that is supervised and regulated in a manner similar to entities described in paragraph (3)(v) of this definition;

(vii) Any position a bank holds with the intent to securitize; or

(viii) Any direct real estate holding.

* * * * *

■ 8. Amend Appendix E, section 10, by:

■ a. Revising paragraph (b)(2)(i)(A), Table 2, and paragraphs (b)(2)(i)(B), (C), and (D), and adding paragraph (b)(2)(i)(E);

■ b. Revising paragraph (b)(2)(iv)(A) and Table 3;

■ c. Revising paragraph (b)(2)(v), Table 4 and Table 5 to read as follows:

Section 10. Standardized Measurement Method for Specific Risk

* * * * *

(b) *Debt and securitization positions.** * *

(2) * * *

(i) *Sovereign Debt Positions.* (A) In accordance with table 2, a bank must assign a specific risk-weighting factor to a sovereign debt position based on the CRC applicable to the sovereign entity and, as applicable, the remaining contractual maturity of the position, or, if there is no CRC applicable to the sovereign entity, based on whether the sovereign entity is a member of the OECD. Notwithstanding any other provision in this Appendix E, sovereign debt positions that are backed by the full faith and credit of the United States are treated as having a CRC of 0.

TABLE 2—SPECIFIC RISK-WEIGHTING FACTORS FOR SOVEREIGN DEBT POSITIONS

	Specific risk-weighting factor (in percent)	
CRC:		
0–1	0.0	
2–3	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
4–6	8.0	
7	12.0	
OECD Member with No CRC	0.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

(B) Notwithstanding paragraph (b)(2)(i)(A) of this section, a bank may assign to a sovereign debt position a specific risk-weighting factor that is lower than the applicable specific risk-weighting factor in table 2 if:

(*1*) The position is denominated in the sovereign entity's currency;

(*2*) The bank has at least an equivalent amount of liabilities in that currency; and

(*3*) The sovereign entity allows banks under its jurisdiction to assign the lower specific risk-weighting factor to the same exposures to the sovereign entity.

(C) A bank must assign a 12.0 percent specific risk-weighting factor to a sovereign debt position immediately upon determination a default has occurred; or if a default has occurred within the previous five years.

(D) A bank must assign a 0.0 percent specific risk-weighting factor to a sovereign debt position if the sovereign entity is a member of the OECD and does not have a CRC assigned to it, except as provided in paragraph (b)(2)(i)(C) of this section.

(E) A bank must assign an 8.0 percent specific risk-weighting factor to a sovereign debt position if the sovereign entity is not a member of the OECD and does not have a CRC assigned to it, except as provided in paragraph (b)(2)(i)(C) of this section.

* * * * *

(iv) *Depository institution, foreign bank, and credit union debt positions.* (A) Except as provided in paragraph (b)(2)(iv)(B) of this section, a bank must assign a specific risk-weighting factor to a debt position that is an exposure to a depository institution, a foreign bank, or a credit union in accordance with table 3, based on the CRC that corresponds to that entity's sovereign of incorporation or the OECD membership status of that entity's sovereign of incorporation if there is no CRC applicable to the entity's sovereign of incorporation, and, as applicable, the remaining contractual maturity of the position.

TABLE 3—SPECIFIC RISK-WEIGHTING FACTORS FOR DEPOSITORY INSTITUTION, FOREIGN BANK, AND CREDIT UNION DEBT POSITIONS

	Specific risk-weighting factor (in percent)	
CRC 0–2 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

* * * * *

(v) *PSE debt positions.* (A) Except as provided in paragraph (b)(2)(v)(B) of this section, a bank must assign a specific risk-weighting factor to a debt position that is an exposure to a PSE in accordance with table 4 and table 5 depending on the position's categorization as a general obligation or revenue obligation, based on the CRC that corresponds to the PSE's sovereign of incorporation or the OECD membership status of the PSE's sovereign of incorporation if there is no CRC applicable to the PSE's sovereign of incorporation, and, as applicable, the remaining contractual maturity of the position.

(B) A bank may assign a lower specific risk-weighting factor than would otherwise apply under tables 4 and 5 to a debt position that is an exposure to a foreign PSE if:

(*1*) The PSE's sovereign of incorporation allows banks under its jurisdiction to assign a lower specific risk-weighting factor to such position; and

(*2*) The specific risk-weighting factor is not lower than the risk weight that corresponds to the PSE's sovereign of incorporation in accordance with tables 4 and 5.

(C) A bank must assign a 12.0 percent specific risk-weighting factor to a PSE debt position immediately upon determination that a default by the PSE's sovereign of incorporation has occurred or if a default by the PSE's sovereign of incorporation has occurred within the previous five years.

TABLE 4—SPECIFIC RISK-WEIGHTING FACTORS FOR PSE GENERAL OBLIGATION DEBT POSITIONS

	General obligation specific risk-weighting factor (in percent)	
CRC 0–2 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

TABLE 5—SPECIFIC RISK-WEIGHTING FACTORS FOR PSE REVENUE OBLIGATION DEBT POSITIONS

	Revenue obligation specific risk-weighting factor (in percent)	
CRC 0–1 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 2–3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

* * * * *

■ 9. Amend Appendix E, section 11, by revising paragraph (b)(2) to read as follows:

Section 11. Simplified Supervisory Formula Approach

* * * * *

(b) *SSFA parameters.* * * *

(2) Parameter W is expressed as a decimal value between zero and one. Parameter W is the ratio of the sum of the dollar amounts of any underlying exposures of the securitization that meet any of the criteria as set forth in paragraphs (i) through (vi) of this paragraph (b)(2) to the balance, measured in dollars, of underlying exposures:

(i) Ninety days or more past due;

(ii) Subject to a bankruptcy or insolvency proceeding;

(iii) In the process of foreclosure;

(iv) Held as real estate owned;

(v) Has contractually deferred payments for 90 days or more, other than principal or interest payments deferred on:

(A) Federally-guaranteed student loans, in accordance with the terms of those guarantee programs; or

(B) Consumer loans, including non-federally-guaranteed student loans, provided that such payments are deferred pursuant to provisions included in the contract at the time funds are disbursed that provide for period(s) of deferral that are not initiated based on changes in the creditworthiness of the borrower; or

(vi) Is in default.

* * * * *

■ 10. Amend Appendix E, section 12, by:

■ a. Revising paragraph (a);

■ b. Revising paragraph (c)(1) introductory text and;

■ c. Revising paragraph (d) introductory text to read as follows:

Section 12. Market Risk Disclosures

(a) *Scope.* A bank must comply with this section unless it is a consolidated subsidiary of a bank holding company or a depository institution that is subject to these requirements or of a non-U.S. banking organization that is subject to comparable public disclosure requirements in its home jurisdiction. A bank must make timely public disclosures each calendar quarter. If a significant change occurs, such that the most recent reporting amounts are no longer reflective of the bank's capital adequacy and risk profile, then a brief discussion of this change and its likely impact must be provided as soon as practicable thereafter. Qualitative disclosures that typically do not change each quarter may be disclosed annually, provided any significant changes are disclosed in the interim. If a bank believes that disclosure of specific commercial or financial information would prejudice seriously its position by making public certain information that is either proprietary or confidential in nature, the bank is not required to disclose these specific items, but must disclose more general information about the subject matter of the requirement, together with the fact that, and the reason why, the specific items of information have not been disclosed. The bank's management may provide all of the disclosures required by this section in one place on the bank's public Web site or may provide the disclosures in more than one public financial report or other regulatory reports, provided that the bank publicly provides a summary table specifically indicating the location(s) of all such disclosures.

* * * * *

(c) * * * (1) For each material portfolio of covered positions, the bank must provide timely public disclosures of the following information at least quarterly:

* * * * *

(d) * * * For each material portfolio of covered positions, the bank must provide timely public disclosures of the following information at least annually after the end of the fourth calendar quarter, or more frequently in the event of material changes for each portfolio:

* * * * *

By order of the Board of Governors of the Federal Reserve System, December 11, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–29785 Filed 12–17–13; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 148

[CBP Dec. 13–19; USCBP–2012–0008]

RIN 1515–AD76

Members of a Family for Purpose of Filing CBP Family Declaration

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This final rule affects persons eligible to file a single customs declaration. The final rule expands the definitions of family members residing in one household. As a result of this expansion, more U.S. returning resident and non-resident visitor families will be eligible to file a single customs declaration, and correspondingly, more U.S. returning resident family members may group their personal duty exemptions.

DATES: Effective January 17, 2014.

FOR FURTHER INFORMATION CONTACT: Sophie Galvan, Program Manager, Trusted Traveler Programs, Office of Field Operations, (202) 344–2292.

SUPPLEMENTARY INFORMATION:

Background

On March 27, 2012, U.S. Customs and Border Protection (CBP) published a notice of proposed rulemaking (NPRM) in the **Federal Register** (77 FR 18143) proposing to amend title 19 of the Code of Federal Regulations (19 CFR) regarding U.S. returning residents who are eligible to file a single customs declaration for members of a family residing in one household and traveling together upon arrival in the United States. The amendments proposed in the NPRM would expand the definition of ''members of a family residing in one household'' for purposes of allowing a responsible family member to make a joint declaration, either oral or written, for articles acquired abroad for all members of a family residing in one household and traveling together on their return to the United States.

The NPRM proposed to expand the relationships included in the definition of ''members of a family residing in one household'' and to refer to the additions as ''domestic relationships.'' As proposed in the NPRM, ''domestic relationships'' would include foster children, stepchildren, half-siblings, legal wards, other dependents, and individuals with an *in loco parentis* or guardianship relationship within the definition of ''members of a family residing in one household.'' ''Domestic relationships'' would also include two adult individuals in a committed relationship wherein the partners share financial assets and obligations, and are not married to, or a partner of, anyone else, including, but not limited to, long-time companions, and couples in civil unions or domestic partnerships. The proposed term ''domestic relationship'' would not extend to roommates or other cohabitants not otherwise meeting the above definition. Additionally, the proposed changes would not alter the residency requirements that, in order to file a family declaration, members of a family residing in one household must have lived together in one household at their last permanent residence and intend to live together in one household after their arrival in the United States. The NPRM also proposed to remove outdated references to ''resident servants'' of a family and state instead that individuals employed by the household but not related by blood, marriage, domestic relationship, or adoption cannot be included in the family declaration.

Finally, the NPRM proposed to remove the phrase ''regardless of age'' where it currently appears in the introductory text of §§ 148.34(b) and 148.103(b), because it would not be consistent with the proposed definition of ''domestic relationships.''

CBP solicited comments on the proposed rulemaking.

Discussion of Comments

Twenty-three commenters responded to the solicitation of public comment in the proposed rule. Twenty-two of those comments were favorable, noting in particular that the proposed amendments would reduce passenger processing time and create less paperwork for people who are traveling together as a family. Several of the commenters included additional suggestions. The one comment that was opposed to the proposal was submitted anonymously and stated that ''this needs to stay as is, don't add to or change it.'' Since the proposed definition more accurately reflects family relationships among members of the traveling public, CBP is not persuaded by this comment. A description of the comments received, together with CBP's responses, is set forth below.

Overall

Comment

The vast majority of commenters supported CBP's effort to broaden the definition of members of a family residing in one household to more accurately reflect relationships among members of the public who are traveling together as a family, to reduce passenger processing time, and to create less paperwork for people who are traveling together as a family. Many commenters shared their own personal experiences upon their return to the United States and outlined what they perceived to be inconsistent and sometimes rude behavior by CBP officers. These commenters expressed their expectation that when the rule becomes final, CBP would apply the proposed definition consistently at all ports of entry.

CBP Response

CBP is encouraged that members of the public are receptive to the proposal to expand the definition of members of a family residing in one household. Expanding the definition beyond the current criteria of ''by blood, marriage, and adoption,'' would facilitate travel for families and would reduce the paperwork burden on both the traveling public and the government. As is further discussed in a response to a comment below, CBP plans to raise public awareness and train CBP staff to promote the consistent application of this new definition once it is final.

Children of Domestic Partners

Comment

One commenter suggested that the regulations should clearly identify children of domestic partners as being within the definition of ''members of a family residing in one household.''

CBP Response

Biological and adopted children of a domestic partner meet the criteria of being ''related by blood'' or ''by adoption'' of paragraph (b)(1) of § 148.34 (19 CFR 148.34(b)(1)). The revised definition was expanded to also include foster children, stepchildren, half-siblings, legal wards, and other dependents, and individuals with an *in loco parentis* or guardianship relationship.

Shared Financial Assets and Obligations

Comment

Three commenters noted that the proposed language appears to exclude some family members who should fall within the definition of ''domestic relationship.'' For instance, one commenter questioned whether the proposed definition would exclude a family member who does not work outside of the house because that family member would not ''share financial assets and obligations.''

One commenter was concerned that the sharing of financial assets may be interpreted too narrowly by CBP Officers. This commenter recommended that the requirement of ''wherein the partners share financial assets and obligations'' in the definition of ''domestic relationship'' be revised to read, ''wherein the partners are financially interdependent'' because a partner who does not work outside the home may not be contributing to or ''sharing financial assets,'' but he or she is financially interdependent with the salary-earning partner.

One commenter suggested amending the definition to read as follows: ''Two adults who are in a committed relationship including, but not limited to, long-time companions, and couples in civil unions, or domestic partnerships, wherein the partners are financially interdependent, and are not married to, or a partner of anyone else.''

Some commenters recommended that CBP not define ''members of a family'' by their finances at all.

CBP Response

The regulations at issue address the ability of returning U.S. residents to group the exemptions for articles acquired abroad to which the several members of the family may be entitled. Therefore, the issue of finances is relevant to the definition. CBP interprets the phrase ''wherein the partners share financial assets and obligations'' to include situations where one partner does not work outside the home. Nevertheless, upon consideration of this comment, CBP agrees that the term, ''financially interdependent'' is clearer, and CBP will adopt this suggestion.

Definition of Resident

Comment

Some commenters expressed concern whether the definition of ''resident'' as used by CBP in this context is the same as ''permanent resident'' as used in the immigration law context. Another commenter expressed the view that the definitions of ''resident'' and ''non-resident'' are not clear and should be further explained in the regulations.

CBP Response

The term ''resident'' for purposes of this regulation is not the same as ''lawful permanent resident'' in immigration law. For customs purposes, pursuant to 19 CFR 148.2, persons arriving from foreign countries are divided into two categories: (1) Residents of the United States returning from abroad and (2) all other persons (*i.e.,* visitors). In describing further how a returning resident is described for customs purposes, paragraph (b) of § 148.2 provides, in pertinent part, that citizens of the United States or persons who have formerly resided in the United States (including American citizens who are residents of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States) will be deemed residents of the United States returning from abroad within the meaning of ''residents'' as used in Chapter 98, Subchapter IV, Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), in the absence of evidence that they have established a home elsewhere. For example, U.S. lawful permanent residents returning from abroad, who satisfy the definition of ''members of a family residing in one household,'' also may file a joint CBP declaration and aggregate their duty exemptions.

Paragraph (c) of § 148.2 provides that, ''[a]ny person arriving in the United States who is not a resident of the United States or who, though a resident of the United States, is not returning from abroad, shall be treated for the purpose of these regulations as a nonresident.''

Married Women's Status and Gender Language

Comment

Two commenters recommend that 19 CFR 148.2(b) be amended to remove

outdated language. Section 148.2(b) states, in part, ''For this purpose, the residence of a wife shall be deemed to be that of her husband unless satisfactory evidence is presented that the wife has established a separate residence elsewhere.'' One commenter proposed that CBP eliminate this sentence and the following sentence on children's residence or revise it to be gender neutral and encompass the revised definition of members of a family residing in one household.

CBP Response

CBP agrees. In the regulatory text, CBP is removing the outdated sentence regarding the residence of the wife because a woman can claim her own individual personal exemption. CBP is also revising the sentence on a child's residence to make it gender neutral.

Non-Resident Visitors

Comment

Two commenters recommend that the regulations be further amended to permit visitors entering the United States to complete a single CBP Form 6059–B in accordance with the expanded definition of family.

CBP Response

In the NPRM, CBP proposed to revise the definition of the phrase ''members of a family residing in one household.'' That phrase is used in 19 CFR 148.34(b) and 148.103(b), which relate to the family grouping of exemptions for articles acquired abroad to which only returning residents are eligible.

All individuals entering the United States must declare all articles acquired abroad to CBP at the port of first arrival in the United States. Returning residents and nonresidents arriving in the United States must make a declaration, either oral or written, of the merchandise they are importing and must pay duty on the merchandise unless specifically exempted by law. *See* 19 U.S.C. 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)). Unless an oral declaration is accepted, a person arriving in the United States must complete a written declaration on CBP Form 6059–B and present the form to the CBP officer at inspection. Section 148.14 of title 19 CFR is the regulatory section applicable to all international travelers presenting themselves at a port of entry. That section uses the phrase ''family group residing in one household.'' The term ''family group residing in one household'' is not currently defined in statute or regulation. In light of the comments CBP has received and for consistency and clarity, CBP will amend § 148.14 to explicitly define the phrase ''family group residing in one household'' to mean persons who are related by blood, marriage, domestic relationship (as defined in § 148.34(c)), or adoption.

Accordingly, visitors entering the U.S. who meet the expanded definition of family group residing in one household may file a single CBP Form 6059–B, but they do not get the benefit of any duty aggregation, or any other benefits which are only provided to residents of the United States.

Binational Families

Comment

One commenter raised questions regarding ''binational families'' (families where one family member is a U.S. citizen or lawful permanent resident and another is a non-immigrant) and the fact that the current form does not indicate that families must have the same U.S. immigration status in order to submit the form jointly.

CBP Response

As indicated before, the declaration requirement is controlled by the customs regulations which are in title 19 of the Code of Federal Regulations (CFR); this regulation does not concern the immigration status of the traveler which would be controlled by the regulations in title 8 of the CFR. The proposed changes do not alter the residency requirements that, in order to file a family declaration, members of a family residing in one household must have lived together in one household at their last permanent residence in the United States and intend to live together in one household after their arrival in the United States. Therefore, if one family member resides in the United States and another resides abroad, even if they are traveling together, they are not eligible to file a joint customs declaration. In this instance, the returning resident would be entitled to the personal duty exemption of $800 for articles acquired abroad (and not the family grouping of duty aggregation of $1,600) while the non-resident family member would be entitled to the duty exemptions allowed for visitors.

Published Guidance & Training

Comment

Two commenters recommend that CBP publish guidance for the public and train employees on the meaning of ''residence'' and ''permanent residence.'' Two commenters suggested that CBP include the new definition of ''domestic relationship'' on the instructions for CBP Form 6059–B and in the FAQ section of CBP Form 6059–B posted on the CBP Web site. A commenter expressed the need for training on the new regulations in order for them to be implemented properly and recommended that instruction on the proposed changes be part of the regularly scheduled training of all CBP officers.

CBP Response

CBP understands the need to make clear to the traveling public who is included in the expanded definition of family to facilitate the completion of customs declarations. After this rule is published, CBP plans to update the travel section of the CBP Web site including the FAQ section on CBP Form 6059–B itself which is also found on the CBP Web site. CBP's public affairs materials will also be updated to reflect the expanded definition of the terms ''members of a family residing in one household'' and a ''family group residing in one household.'' The Office of Field Operations (OFO) and the Office of Public Affairs plan to do outreach to trade groups and airline associations so that the public is made aware of the changes. For CBP officers and OFO staff, a roll out of memoranda, musters, and updates of CBP Officer Basic Training Academy training will be implemented upon final rule publication.

While CBP will not be amending CBP Form 6059–B (OMB Control Number 1651–0009) at this time, the form is scheduled to expire in February 2014. CBP will solicit comments during the renewal process on whether the form should be revised to improve clarity of the form or to reduce the number of questions listed on the form. CBP will also evaluate whether oral declarations could be used more often than written declarations. More discussion regarding the information collection associated with this regulation can be found later in the document in the section ''Paperwork Reduction Act''.

Conclusion

After review of the comments and further consideration, CBP has decided to adopt as final, with the changes discussed above in the preamble and with additional non-substantive editorial changes, the proposed rule published in the **Federal Register** (77 FR 18143) on March 27, 2012.

Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess the 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 a ''significant regulatory action'' although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget has reviewed this rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to examine the impact a rule will have on small entities. A small entity may be: a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business under the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people). Because this rule directly regulates individuals and families, and these are not considered small entities, CBP certifies under 5 U.S.C. 605(b) that the amendments will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by Office of Management and Budget (OMB). The information collected under 19 CFR part 148 is included under OMB control number 1651–0009. There are no new collections of information required by this document and CBP is not modifying the form at this time. The number of responses related to the completion of the CBP Form 6059–B (customs declaration) for OMB control number 1651–0009 by members of the public traveling by air and sea is currently 105,606,000. This number has been updated below to reflect an estimated decrease of 1,100,000 customs declarations completed as a result of this rule:

Estimated Number of Respondents (Travelers): 104,506,000.

Estimated Time per Response: 4 minutes.

Estimated Total Responses: 104,506,000.

Estimated Total Annual Burden Hours: 7,001,902.

The customs declaration (CBP Form 6059–B) is due to expire on February 28, 2014. CBP will determine whether the form should be significantly revised, or whether there can be an expanded use of oral declarations instead of written declarations to further reduce the paperwork burden on the traveler. CBP plans to publish a 60-day **Federal Register** Notice and a 30-day **Federal Register** Notice to solicit comments from the public on CBP Form 6059–B prior to its expiration. CBP Form 6059–B and instructions can be seen on the following Web site: *http://cbp.gov/xp/cgov/travel/vacation/sample_declaration_form.xml.*

Signing Authority

This document is being issued in accordance with 19 CFR 0.1(a)(1).

List of Subjects in 19 CFR Part 148

Customs duties and inspection, Declarations, Taxes.

Amendments to the CBP Regulations

For the reasons set forth above, part 148 of the CBP regulations (19 CFR part 148) is amended as set forth below.

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

■ 1. The general authority for part 148 continues to read as follows:

Authority: 19 U.S.C. 66, 1496, 1498, 1624. The provisions of this part, except for subpart C, are also issued under 19 U.S.C. 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States);

* * * * *

■ 2. In § 148.2,

■ a. Paragraphs (a) through (d) are amended by removing the word, ''shall'' wherever it appears, and adding in its place the word, ''will''; and

■ b. Paragraph (b) is further amended by removing the last two sentences and adding a new last sentence.

The addition reads as follows:

§ 148.2 Residence status of arriving persons.

* * * * *

(b) * * * The residence of a minor child will be presumed to be the residence of the child's parents.

* * * * *

■ 3. Section 148.14 is amended by removing the last sentence and adding two sentences to read as follows:

§ 148.14 Family declarations.

* * * ''A family group residing in one household'' means persons who are related by blood, marriage, domestic relationship (as defined in § 148.34(c)), or adoption. Individuals who are employed by the household but not related by blood, marriage, domestic relationship, or adoption will not be included in the family declaration.

■ 4. In § 148.34:

■ a. Paragraph (a) is amended by revising the last sentence;

■ b. Paragraph (b) is revised; and

■ c. Paragraph (c) is added.

The additions and revisions read as follows:

§ 148.34 Family grouping of exemptions for articles acquired abroad.

(a) * * * No exemptions allowable to individuals employed by the household and accompanying the family but not related by blood, marriage, domestic relationship, or adoption will be included in the family grouping.

(b) *Members of a family residing in one household.* ''Members of a family residing in one household'' includes all persons who:

(1) Are related by blood, marriage, domestic relationship, or adoption;

(2) Lived together in one household at their last permanent residence; and

(3) Intend to live in one household after their arrival in the United States.

(c) *Domestic relationship.* As used in paragraph (b)(1) of this section, the term ''domestic relationship'' includes foster children, stepchildren, half-siblings, legal wards, other dependents, individuals with an *in loco parentis* or guardianship relationship, and two adults who are in a committed relationship including, but not limited to, long-time companions, and couples in civil unions, or domestic partnerships, wherein the partners are financially interdependent, and are not married to, or a partner of, anyone else. The term ''domestic relationship'' does not extend to roommates or other cohabitants not otherwise meeting this definition.

■ 5. In § 148.103, paragraph (b) is revised to read as follows:

§ 148.103 Family grouping of allowances.

* * * * *

(b) *Members of a family residing in one household.* ''Members of a family residing in one household'' includes all persons who:

(1) Are related by blood, marriage, domestic relationship (as defined in § 148.34(c)), or adoption;

(2) Lived together in one household at their last permanent residence; and

(3) Intend to live in one household after their arrival in the United States.

Thomas S. Winkowski,

Acting Commissioner, U.S. Customs and Border Protection.

Approved: December 13, 2013.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2013–30075 Filed 12–17–13; 8:45 am]

BILLING CODE 9111–14–P

POSTAL SERVICE

39 CFR Part 111

New Mailing Standards for Domestic Mailing Services Products

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: On September 26, 2013, the Postal Service filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective January 26, 2014. This final rule contains the revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) that we will adopt to implement the changes coincident with the price adjustments.

DATES: *Effective Date:* January 26, 2014.

FOR FURTHER INFORMATION CONTACT: Bill Chatfield at 202–268–7278, Lizbeth Dobbins at 202–268–3789, or Steve Monteith at 202–268–6983.

SUPPLEMENTARY INFORMATION: Prices are available under Docket Nos. R2013–10 and R2010–4R on the Postal Regulatory Commission's Web site at *www.prc.gov.*

The Postal Service's final rule includes new pricing eligibility for retail and commercial nonpresorted First-Class Mail® letters, several mail classification changes, and condensing of current standards for Periodicals publications. Directly below, we discuss comments on proposed changes, and the Postal Service response to those comments, followed by a summary of all the changes.

Comments on Proposed Changes

The Postal Service received four formal comments on our price-change related proposal.

The Postal Service had proposed to disallow adhesive labels on all sacks and trays. We received one formal comment and one informal comment about this. We will be disallowing adhesive labels only for trays. Also, we are working with the mailing industry to evaluate the technological and operational feasibility of alternatives to current labeling methods.

A mailer association disagreed with the 200-piece minimum for permit imprint mailings of First-Class Mail letters at the new metered price. The 200-piece minimum for permit imprint mailings of letters is not a new standard and is not being changed at this time. First-Class Mail letters that are residual from a presort or automation mailing and are presented with that mailing are not subject to a separate minimum.

Regarding flats sequencing system (FSS), a mailer association suggested to change the required minimum for an FSS scheme pallet to 500 pounds instead of 250 pounds. We note that mailers who currently choose to prepare FSS mail must make FSS scheme or FSS facility pallets when the quantity reaches 250 pounds, so that minimum is not a change. Also, the FSS facility pallet is currently required at 250 pounds for those choosing to prepare FSS pallets, whereas it will not be a required pallet level in January. While the 250-pound requirement may result in more pallets in some cases, it is very important that the FSS mail be separated from other mail for efficient processing. Also, we are increasing the allowed number of stacked pallets from 4 to 6, which will increase logistical flexibility.

The same mailer association also questioned specific FSS piece prices that were developed for software coding; other than Bound Printed Matter pricing, those prices are placeholders for possible future application. Except for ADC and MADC pieces (which will be eligible for 3-digit prices), pieces in an FSS bundle will be eligible for the price they would otherwise be eligible for according to the qualification documentation.

Regarding the price charts for Standard Mail, FSS scheme pallets may be entered at origin, or at DNDC, DSCF, or DFSS entry points, but the tenth of a cent discount price will be only for flats placed on FSS scheme pallets entered at DFSS entry points.

We received one comment about the revision to the claims standards requiring that a fair market value of insured coins or stamps be current and prior to the mailing date. The commenter asked if the USPS® would be advising each mailer mailing insured items of this change. We consider that this revision is primarily a clarification and provides equal protection for the mailer and the USPS regarding potentially significant fluctuations in the value of those items. The proposal provides sufficient public notice.

We received three suggestions from the same commenter regarding handstamps with an addressee's printed signature and address: one to allow mechanical devices similar to handstamps, one to declare that a handstamp is legally binding, and the other to state that handstamps must be applied by the addressee (or agent). We are not expanding this section to allow similar devices; and we consider that the current language, that a handstamp is an optional way of providing the signature, is sufficient. We do agree to state that such handstamps must be used by the addressee or agent.

A mailer association questioned how we will check compliance with full-service automation requirements. There were no items regarding full-service as part of this proposal. Questions about compliance with full-service standards should be directed to the Vice-President of Mail Entry and Payment Technology. We received one formal complaint about the proposed disallowance of simplified addresses on detached address labels (DALs) used with Standard Mail flats, thus requiring mailers to use complete delivery addresses on such DALs. This change would require complete addresses on the DALs, or the mailer could still use simplified addresses directly on the flats. Although we are not removing this change, mailers with exceptional circumstances that preclude them from transitioning to complete delivery addresses by January while retaining their customary volume of this type of mail may request limited exceptions (through their district manager, business mail entry) from the Pricing and Classification Service Center.

Change for Letters

Retail and Commercial First-Class Mail Letters

The Postal Service adds a new single-piece nonpresorted First-Class Mail letter price category to be called *Metered Mail.* Prices for this category are separate from other retail single-piece First-Class Mail letters, and apply to First-Class Mail letters when postage is affixed or imprinted by the mailer for metered indicia, PC Postage®, precanceled stamps, or permit imprint. There is no minimum volume, except for pieces paid by permit imprint, for which the existing minimum of 200 pieces would apply. These prices also apply to residual pieces from automation or presorted First-Class Mail letter mailings, presented in letter trays. When such residual pieces are part of a permit imprint mailing for the presorted or automation mailing, and claimed on the same postage statement as the primary mailing, there is no separate

minimum number of pieces for the commercial nonpresorted portion.

The Postal Service modifies the current price structure for residual First-Class Mail letters. Residuals from uniform 1-ounce presort letter mailings will pay the 1-ounce Metered letter price. Residuals from uniform 2-ounce presort letter mailings will pay the 2-ounce Metered letter price Residuals from mixed presort mailings of 1-ounce and 2-ounce letters will pay the ''blended'' First-Class Mail Residual letter price and not be subject to the *Metered Mail* price.

Changes for Flats

Standard Mail® Flats

We will disallow the use of detached address labels (DALs) with all Standard Mail flats mailed with simplified addresses (EDDM®). Therefore, all EDDM flats (entered at BMEUs or Retail) must bear simplified addresses directly on the flats.

Required Flats Sequencing System (FSS) Preparation

The Postal Service introduced optional FSS preparation standards in the August 23, 2010 **Federal Register** final rule (75 FR 51668–51671) which were incorporated into the DMM on January 2, 2011. These FSS preparation standards were developed in collaboration with the mailing industry group, including both mail owners and mail service providers. This industry group determined that the preparation of bundles and pallets specifically for FSS processing could lead to greater efficiencies and cost savings for both the USPS and the mailing industry. In the August 23, 2010 final rule, the Postal Service also provided advance notice that FSS-based mail preparation requirements would become mandatory at some point in the future. As of January 26, 2014, the Postal Service requires bundle and pallet preparation of flat-size Standard Mail, Periodicals and Bound Printed Matter mailpieces prepared for delivery within the ZIP Codes™ served by FSS processing. With this revision, mailers are required to place mailings of presorted and basic carrier route Standard Mail flats, and Periodicals and Bound Printed Matter presorted and carrier route flats, meeting the deflection standards and the physical standards in DMM 301.3.2, and combined mailings of Standard Mail and Periodicals flats prepared under DMM 705.15 into combined 5-digit FSS scheme pools when addressed for delivery to any FSS 5-digit scheme combination per labeling list L006. Optionally, mailers may include nonmachinable Periodicals flats no more than 1-inch thick if they meet the standards in 705.14.

Mailers place qualifying mailpieces from all price categories into a separate pool for each individual 5-digit FSS-scheme combination. Mailings that include 10 or more pieces of Standard Mail flats, 6 or more pieces of Periodicals flats or 10 or more pieces (or 10 or more pounds) of Bound Printed Matter flats, to an FSS scheme must make FSS scheme bundles for that 5-digit FSS scheme. Mailers may optionally prepare scheme pools with less than 10 pieces of Standard Mail flats, 6 pieces of Periodical flats, or 10 pieces (or 10 pounds) of Bound Printed Matter flats, and may prepare an FSS scheme bundle if they have a minimum of 3 inches of mail. Mailings of Bound Printed Matter flats not meeting the eligibility standards for presort or carrier route pricing also may be included in FSS preparation, but are not eligible for presorted or carrier route prices. All pieces for each combined mailpiece pool must be placed in uniform bundles of between 3 inches and 6.5 inches, except for one overflow bundle that may be under the minimum height. Bundles must be prepared in accordance with the other conditions in DMM 705.14.0.

Bundles must be identified as 5-digit scheme presort, either with an optional endorsement line (OEL) under 708.7.0 or with a ''red Label 5 SCH'' barcoded pressure-sensitive bundle label. However, mailpieces entered under a combined mailing of Standard Mail and Periodicals flats will continue to require a unique OEL on each piece, as described in DMM exhibit 708.7.1.1. Mailers are reminded that every mailpiece prepared under these standards must still include class and price markings, as described in DMM 302.3.0, applicable to the price paid, in addition to the FSS bundle identification.

Pallets prepared to the FSS scheme level (previously termed ''sort plan'' level) all for the same 5-digit FSS-scheme ZIP Code combination continue to be required at 250 pounds, and optional below 250 pounds. However, FSS facility (all 5-digit FSS-scheme ZIP Code combinations processed within the same facility) pallets would be optional at any level. Pallets would be required to bear a pallet placard with an Intelligent Mail® container barcode. Mailers without the capacity to palletize could request an exception to these palletization requirements from the local plant manager.

Mailpieces that meet the current eligibility standards for basic carrier route prices would be included in FSS preparation requirements. Saturation price Standard Mail and Periodicals flats are not eligible for this preparation. Mailers may optionally include pieces eligible for high density and high density plus prices into FSS preparation, but their inclusion will not be required. The sequencing of mailpieces within bundles is not required or recommended when preparing FSS bundles. Only saturation, high density, and high density plus mailpieces (not prepared under FSS standards) are eligible for destination delivery unit (DDU) entry within FSS zones.

The Postal Service is adding a new destination FSS (DFSS) price for Standard Mail flats on FSS scheme pallets entered at the correct FSS facility. Initially, only FSS scheme pallets (or approved alternate containers) would be eligible for these destination-entry prices. DFSS entry piece pricing will be available for Standard Mail flats qualifying for carrier route and 5-digit piece prices.

Standard Mail flats properly included in an FSS scheme pool, but qualifying for 3-digit, ADC or mixed ADC prices, claim 3-digit prices. However, these pieces are not eligible for DFSS prices when placed on an FSS scheme pallet entered at a DFSS. These pieces are eligible for DSCF entry prices.

FSS preparation is optional for Periodicals flats mailed at In-County prices and Periodicals mailings of 5,000 pieces or less mailed at Outside-County prices. The 5-digit Outside-County bundle charge continues to be assessed on bundles of Outside-County Periodicals prepared in accordance with these standards, even though mailpieces being claimed at the carrier route piece price may be properly placed within these bundles. FSS scheme pallets will be assessed the Outside-County container charge for a 3-digit level pallet, and FSS facility sort level pallets will be charged a container price for an SCF pallet, except that there will be no container charge when FSS scheme pallets are entered at an FSS facility. The Outside-County price is the same as the DSCF price and the Inside-County pound price is the price for the ''none'' entry level. We strongly discourage unbound publications from being placed in FSS scheme bundles until the USPS further evaluates standards for automation compatibility.

Bound Printed Matter (BPM) flats prepared under these standards placed on FSS scheme pallets, sacks or trays, and entered at an FSS facility will be eligible for DSCF prices.

Changes for Letters, Flats, and Parcels

All Commercial Mail

To accommodate changes in facility functions, the Postal Service has been allowing destination sectional center (DSCF) facility pricing at some former SCFs. As advance notice, effective January 2015, to qualify for DSCF pricing, mailers would be required to enter mail at an actual SCF.

Periodicals

We have made a few editorial revisions to standards for Periodicals in DMM 707.4.0, 707.6.0, 707.7.0, 707.9.0, and 707.18.0 to simplify the text.

Tray and Sack Labels

We have revised standards for all tray labels to formalize what has been a practical restriction: That all tray labels be non-adhesive. This enables quicker turnaround of empty trays for customer use.

Changes for Parcels

New Live Animal Transportation Fee

The Postal Service is currently withdrawing the proposal to expand application of the live animal transportation fee.

New Minimum Volume Criteria for Manifested Parcels (MMS and eVS)

To provide customers with more flexibility to ship their packages using the Postal Service, we are reducing the minimum criteria of 200 pieces or 50 pounds, when paying postage by permit imprint, to 50 pieces or 50 pounds for manifest mailers using a manifest mailing system (MMS) and eVS® for any single-piece parcel mailings. The Postal Service will allow a combination of any domestic single-piece priced (nonpresorted) parcels to meet the new minimum criteria using one or more of the following: Priority Mail Express™ (PME), Priority Mail, First-Class Mail, First-Class Package Service®, Parcel Select® Nonpresort, nonpresorted Bound Printed Matter, and single-piece Media Mail® or Library Mail.

Extra Services and Other Services

Collect on Delivery (COD) Changes

The Postal Service removes the option for senders of nursery stock shipped Collect on Delivery (COD) to include special instructions for undeliverable shipments to be auctioned off to the highest bidder and the proceeds remitted to the sender. Effective July 28, 2013, the holding period for COD articles was reduced from 30 days to 10 days, resulting in the USPS being able to return the nursery stock in less time than we previously would hold it for delivery. Additionally, this option has not been commonly used and has been difficult to administer. Therefore, the special instructions for auctions are no longer needed.

The Postal Service also expands the standards for COD mail to allow Hold for Pickup service to be added when COD mail is sent as Priority Mail, First-Class Package Service, or Parcel Select Nonpresort.

Signature Handstamp Usage

The Postal Service clarifies the standards for use of an addressee's signature handstamp for Priority Mail Express or accountable mail items. Specifically, we clarify that the use of a handstamp is not exclusive to the Form 3849. Once approved by the Postmaster, a handstamp may be used for Priority Mail Express and other accountable mail, including a Return Receipt (Form 3811) purchased with the applicable extra service.

Although these revisions will not be published in the DMM until January 26, 2014, mailers may now begin using addressee's signature handstamps under the revised mailing standards.

Filing of Indemnity Claims

The Postal Service is continuing its efforts to simplify the claims process and reduce the adjudication period when customers file indemnity claims. In addition to further enhancements to our online claims system, the Postal Service is streamlining the filing periods and manual processes associated with claims processing for improved efficiency. The claims filing periods for indemnity claims will be 60 days from the date of mailing, and subsequently, the claims appeals timeline will be reduced from 60 days to 30 days from the date of the original decision.

Customers should file indemnity claims online or, when no internet access is available to the customer, claims may be filed by mail directly to the Postal Service Accounting Services Center. A toll-free number will be available to obtain Form 1000 for customers filing by mail. The local Post Office™ will no longer file the indemnity claims for customers, thus eliminating this extra time-consuming step.

DMM language is revised for payable claims for coins, and other collectibles to require a sales receipt, invoice or bill of sale, or statement of value from a reputable dealer, and for firearms to require a Form 1508 submission with the claim. Also, gift cards, most of which are replaceable through the issuer, are being added to those items under non-payable claims.

Return Receipt for Merchandise

As advance notice, the Postal Service plans to discontinue offering Return Receipt for Merchandise service in July 2014, because Signature Confirmation provides the same or equivalent service for a lower price.

2014 Promotions

The Postal Service will offer numerous mailing promotions in calendar year 2014, and will share the details of these promotions on the RIBBS® Web site soon.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

For the reasons stated in the preamble, the Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1. Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

100 Retail Mail

* * * * *

130 First-Class Mail

133 Prices and Eligibility

1.0 First-Class Mail Prices and Fees

1.1 First-Class Mail Single-Piece Price Application

See Notice 123—Price List. The single-piece prices for First-Class Mail are applied as follows:

[*Revise items 1.1a and 1.1b as follows:*]

a. The card price applies to a card meeting the standards in 101.6.3.

b. The letter price applies to letter-size pieces meeting the standards in 101.1.1 and weighing 3.5 ounces or less, and that are not eligible for the card price. There are separate prices for

stamped letters and for letters with postage affixed (other than regular stamps) or imprinted by the mailer (*Metered Mail* price); see 134.1.1.

* * * * *

134 Postage Payment Methods

1.0 Postage Payment Methods for First-Class Mail

1.1 Payment Method

[*Revise the text of 1.1 as follows:*]

Postage for single-piece First-Class Mail must be paid with affixed postage stamps (604.1.0), postage evidencing system postage (604.4.0) or permit imprint (604.5.0). When mailers affix postage (other than regular stamps) or use permit imprint on letters, such pieces are eligible for the *Metered Mail* price.

* * * * *

200 Commercial Letters and Cards

* * * * *

230 First-Class Mail

233 Prices and Eligibility

1.0 Prices and Fees for First-Class Mail

* * * * *

1.2 Price Computation for First-Class Mail Letters

[*Revise the text of 1.2 as follows:*]

Commercial First-Class Mail Presorted letters are charged at one price for the first 2 ounces, with separate prices for pieces over 2 ounces up to 3 ounces and for pieces over 3 ounces up to 3.5 ounces. Any fraction of an ounce is considered a whole ounce. The pricing per ounce is similar for automation First-Class Mail letters, with pricing per sortation level. Single-piece price letters that are residual pieces from either a Presorted or automation mailing are charged the residual single-piece price for letters up to 2 ounces, when the mailing contains both 1-ounce and 2-ounce pieces and the pieces are presented together, and the applicable *Metered Mail* prices (see 234.1.0) for all other residual pieces. See Notice 123—Price List.

* * * * *

2.0 Content Standards for First-Class Mail Letters

* * * * *

2.3 Personal Information

[*Revise the text of 2.3 as follows:*]

Mail containing personal information must be mailed as First-Class Mail (or Priority Mail Express or Priority Mail). Personal information is any information specific to the addressee.

* * * * *

234 Postage Payment and Documentation

1.0 Basic Standards for Postage Payment

1.1 Postage Payment Options

[*Revise the text of 1.1 as follows:*]

Postage for Presorted or automation First-Class Mail letters must be paid with affixed postage or permit imprint as specified in 2.0. Residual letters (from presorted or automation mailings) with such postage may be eligible for the *Metered Mail* price.

2.0 Postage Payment for Presorted and Automation Letters

2.1 Payment Methods

[*Revise the text of 2.1 as follows:*]

First-Class Mail presorted and automation postage must be paid with postage evidencing system indicia, permit imprints, or precanceled stamps. All pieces in a mailing must be paid with the same method unless otherwise permitted by standard or Business Mailer Support authorization. Permit imprints may be used for mailings of nonidentical-weight pieces only if authorized by Business Mailer Support.

* * * * *

235 Mail Preparation

* * * * *

5.0 Preparing Nonautomation Letters

5.1 Basic Standards

* * * * *

5.1.2 Single-Piece Price Pieces Presented With Presort Mailings

* * * The following standards apply:

[*Revise the first two sentences of the introductory paragraph of item 5.1.2a as follows:*]

a. The mailer must prepare the single-piece price pieces in separate trays from the automation and presort pieces. Mailers must label the trays under 708.6.0 using CIN code 260 on trays of single-piece letters. * * *

* * * * *

[*Revise item 5.1.2.a2 as follows:*]

2. Line 2: Use the human-readable content line corresponding to content identifier number 260 (see Exhibit 708.6.2.4).

* * * * *

240 Standard Mail

* * * * *

246 Enter and Deposit

* * * * *

2.0 Destination Entry

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2.6 Deposit

* * * * *

2.6.7 Redirection at Mailer's Request

[*Revise the text of 2.6.7 as follows:*]

A mailer may ask to transport destination SCF price mail to a facility other than the designated SCF. In very limited circumstances, this exception may be approved only by the manager, Network Integration Support (see 608.8.0 for address). To qualify for the SCF price in this situation, mail deposited at a facility other than the SCF must destinate for processing within that facility and must not require backhauling to the SCF.

* * * * *

300 Commercial Flats

* * * * *

330 First-Class Mail

333 Prices and Eligibility

* * * * *

2.0 Content Standards for First-Class Mail Flats

* * * * *

2.3 Personal Information

[*Revise the text of 2.3 as follows:*]

Mail containing personal information must be mailed as First-Class Mail (or Priority Mail Express or Priority Mail). Personal information is any information specific to the addressee.

* * * * *

340 Standard Mail

343 Prices and Eligibility

* * * * *

5.0 Additional Eligibility Standards for Nonautomation Standard Mail Flats

5.1 Basic Standards

All pieces in a Regular Standard Mail or Nonprofit Standard Mail Presorted price mailing must:

* * * * *

[*Revise 5.1d as follows:*]

d. Be marked, sorted and documented as specified in 345 or 705.14.0.

* * * * *

5.3 5-Digit Prices for Flats

The 5-digit price applies to flat-size pieces:

[*Revise 5.3a as follows:*]

a. In a 5-digit/scheme bundle of 10 or more pieces, or 15 or more pieces, as applicable; properly placed in a 5-digit/scheme sack containing at least 125 pieces or 15 pounds of pieces; or 10 or

more 5-digit pieces properly included in a FSS 5-digit scheme pool prepared under 705.14.

* * * * *

5.4 3-Digit Prices for Flats

The 3-digit price applies to flat-size pieces:

* * * * *

[*Add new item 5.4c as follows:*]

c. That are residual pieces not qualifying for carrier route or 5-digit prices, but properly included in a FSS 5-digit scheme pool prepared under 705.14.

* * * * *

6.0 Additional Eligibility Standards for Enhanced Carrier Route Standard Mail Flats

6.1 General Enhanced Carrier Route Standards

* * * * *

6.1.2 Basic Eligibility Standards

All pieces in an Enhanced Carrier Route or Nonprofit Enhanced Carrier Route Standard Mail mailing must:

* * * * *

[*Revise item 6.1.2c as follows:*]

c. Be sorted to carrier routes, marked, and documented under 345.6.0 or 705.8.0; or prepared under 705.14.0.

* * * * *

6.3 Basic Price Enhanced Carrier Route Standards

6.3.1 Sequencing

[*Revise the text of 6.3.1 as follows:*]

All pieces mailed at basic prices must be prepared in walk sequence or in line-of-travel (LOT) sequence according to LOT schemes prescribed by the USPS (see 345.6.9 and 345.6.10), except when prepared in FSS bundles under 705.14.

6.3.2 Basic Price Eligibility

Basic prices apply to each piece in a carrier route bundle of 10 or more pieces that is:

* * * * *

[*Revise item 6.3.2a as follows:*]

a. Palletized under 705.8.0, 705.10.0, 705.12.0, or 705.13.0.

* * * * *

[*Add new item 6.3.2e as follows:*]

e. Properly prepared to a FSS 5-digit scheme pool prepared under 705.14.

* * * * *

6.4 High Density and High-Density Plus (Enhanced Carrier Route) Standards

6.4.1 Basic Eligibility Standards for High Density and High-Density Plus Prices

All pieces mailed at high density prices must:

[*Revise item 6.4.1a as follows:*]

a. Be prepared in walk sequence according to schemes prescribed by the USPS (see 345.6.9), except when prepared in FSS bundles under 705.14.

[*Revise the third sentence of item 6.4.1b as follows:*]

b. * * * Multiple pieces per delivery address can count toward the density standards, except for pieces with simplified addresses as allowed under 602.3.0.

* * * * *

6.4.2 High Density and High Density Plus Prices for Flats

[*Revise the introductory text of 6.4.2 as follows:*]

High density or high density plus prices apply to each piece meeting the density standards in 6.4.1 and that is properly prepared in an FSS bundle under 705.14 or in a carrier route bundle of 10 or more pieces that is:

* * * * *

7.0 Additional Eligibility Standards for Automation Standard Mail Flats

7.1 Basic Eligibility Standards for Automation Standard Mail

All pieces in a Regular Standard Mail or Nonprofit Standard Mail automation mailing must:

* * * * *

[*Revise 7.1f as follows:*]

f. Be marked, sorted and documented under 345.7.0 and 705.8.0 through 705.13.0; or prepared under 705.14.0.

* * * * *

7.3 Price Application

Automation prices apply to each piece properly sorted into qualifying groups:

[*Revise 7.3a and 7.3b as follows:*]

a. The 5-digit price applies to flat-size pieces in a 5-digit/scheme bundle of 10 or more pieces, or 15 or more pieces, as applicable; or 10 or more 5-digit pieces properly prepared to a FSS 5-digit scheme pool under 705.14.

b. The 3-digit price applies to flat-size pieces in a 3-digit/scheme bundle of 10 or more pieces. It also applies to residual pieces not qualifying for carrier route or 5-digit prices but included in a FSS 5-digit scheme pool under 705.14.

* * * * *

345 Mail Preparation

1.0 General Information for Mail Preparation

* * * * *

[*Add a new 1.6 as follows:*]

1.6 FSS Preparation

Except for Standard Mail flats mailed at saturation, High Density or High-Density Plus prices, all Standard Mail flats destinating to FSS zones in accordance with labeling list L006 must be prepared under 705.14.0. Flats qualifying for High Density and High-Density Plus prices also may be included in FSS 5-digit scheme pools.

* * * * *

346 Enter and Deposit

* * * * *

2.0 Destination Entry

* * * * *

2.6 Deposit

* * * * *

2.6.7 Redirection at Mailer's Request

[Revise the text of 2.6.7 as follows:]

A mailer may ask to transport destination SCF price mail to a facility other than the designated SCF. In very limited circumstances, this exception may be approved only by the manager, Network Integration Support (see 608.8.0 for address). To qualify for the SCF price in this situation, mail deposited at a facility other than the SCF must destinate for processing within that facility and must not require backhauling to the SCF.

* * * * *

4.0 Destination Sectional Center Facility (DSCF) Entry

* * * * *

4.2 Eligibility

Pieces in a mailing that meets the standards in 2.0 and 4.0 are eligible for the DSCF price, as follows:

* * * * *

[Revise item 4.2c as follows:]

c. DSCF prices apply to residual pieces eligible for 3-digit prices that are properly placed on a FSS scheme pallet, and pieces from all eligible price categories properly placed in a FSS scheme sack or tray, when deposited at a USPS-designated FSS processing facility and labeled to a FSS scheme processed by that facility or to a 5-digit destination processed by that facility under labeling list L006. These pieces must include a full delivery address and meet the physical standards for FSS-machinability in 705.14.0.

[Delete item 4.2d in its entirety.]

* * * * *

[Renumber the current 5.0 as the new 6.0, and add a new 5.0 as follows:]

5.0 Destination Flat Sequencing System (DFSS) Facility Entry

5.1 Definition

Destination Flat Sequencing System Facility (DFSS) refers to the facilities listed in L006, Column C.

5.2 Eligibility

DFSS prices apply to pieces deposited at a USPS-designated FSS processing facility and correctly placed on a pallet labeled to a FSS scheme processed by that facility or to a 5-digit destination processed by that facility under labeling list L006. These pieces must include a full delivery address and meet the physical standards for FSS machinability in 705.14.0.

* * * * *

360 Bound Printed Matter

* * * * *

365 Mail Preparation

1.0 General Information for Mail Preparation

* * * * *

[Add a new 1.6 as follows:]

1.6 FSS Preparation

BPM flats claiming presort or carrier route prices, meeting the standards in 301.3.2 and destinating to FSS zones in accordance with labeling list L006, must be prepared under 705.14.0.

* * * * *

366 Enter and Deposit

* * * * *

3.0 Destination Entry

* * * * *

3.9 Deposit

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3.9.7 Redirection at Mailer's Request

[Revise the text of 3.9.7 as follows:]

A mailer may ask to transport destination SCF price mail to a facility other than the designated SCF. In very limited circumstances, this exception may be approved only by the manager, Network Integration Support (see 608.8.0 for address). To qualify for the SCF price in this situation, mail deposited at a facility other than the SCF must destinate for processing within that facility and must not require backhauling to the SCF.

* * * * *

5.0 Destination Sectional Center Facility (DSCF) Entry

5.1 Eligibility

[Revise the introductory text of 5.1 as follows:]

Bound Printed Matter pieces in a mailing meeting the standards in 3.0 are eligible for the DSCF price when they meet all of the following additional conditions:

* * * * *

b. Are deposited at:

* * * * *

[Revise item 5.1b2 as follows:]

2. a USPS-designated FSS processing facility and correctly placed in a flat tray, sack, or on a pallet, labeled to a FSS scheme processed by that facility or to a 5-digit destination processed by that facility under labeling list L006. These pieces must include a full delivery address and meet the physical standards for FSS-machinability in 705.14.0.

* * * * *

400 Commercial Parcels

* * * * *

440 Standard Mail

* * * * *

446 Enter and Deposit

* * * * *

2.0 Destination Entry

* * * * *

2.6 Deposit

* * * * *

2.6.7 Redirection at Mailer's Request

[Revise the text of 2.6.7 as follows:]

A mailer may ask to transport destination SCF price mail to a facility other than the designated SCF. In very limited circumstances, this exception may be approved only by the manager, Network Integration Support (see 608.8.0 for address). To qualify for the SCF price in this situation, mail deposited at a facility other than the SCF must destinate for processing within that facility and must not require backhauling to the SCF.

* * * * *

460 Bound Printed Matter

* * * * *

466 Enter and Deposit

* * * * *

3.0 Destination Entry

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3.9 Deposit

* * * * *

3.9.7 Redirection at Mailer's Request

[Revise the text of 3.9.7 as follows:]

A mailer may ask to transport destination SCF price mail to a facility other than the designated SCF. In very limited circumstances, this exception may be approved only by the manager, Network Integration Support (see 608.8.0 for address). To qualify for the SCF price in this situation, mail deposited at a facility other than the SCF must destinate for processing within that facility and must not require backhauling to the SCF.

* * * * *

500 Additional Mailing Services

503 Extra Services

1.0 Registered Mail

* * * * *

1.6 Inquiry on Uninsured Article

* * * * *

1.6.2 When and How To File

[Revise the current third sentence and add a new fourth sentence to 1.6.2 as follows:]

* * * File an inquiry for Registered Mail with no declared value by completing a Form 1000. See Publication 122 for additional information.

* * * * *

12.0 Collect on Delivery (COD)

* * * * *

12.2 Basic Information

12.2.1 Description

[Revise the text of 12.2.1 as follows:]

Any mailer may use collect on delivery (COD) service to mail an article for which the mailer has not been paid and have its price and the cost of the postage collected (not to exceed $1,000.00) from the addressee (or agent). COD service provides the mailer with a mailing receipt and the USPS maintains a record of delivery (including the recipient's signature) for two years. The recipient may pay the COD amount due for a mailpiece (with one form of payment) by cash, or a personal check or money order made payable to the mailer. The USPS forwards the check or money order to the mailer. The Postal Service cannot intervene in disputes between mailers and recipients of COD mail after payment was returned to the mailer. Customers may obtain a delivery record by purchasing a return receipt. Bulk proof of delivery service (6.0) is also available if purchasing electronic return receipt service at the time of mailing. A mailer must use a unique COD number for each article mailed.

12.2.2 Eligible Matter

[Revise the introductory text of 12.2.2 as follows:]

COD service may be used for Priority Mail Express (1-day and 2-day service only), Priority Mail (except Critical Mail), First-Class Mail, First-Class Package Service, Standard Post, and Package Services or Parcel Select (except Parcel Select Lightweight) mailpieces if:

* * * * *

12.2.3 Additional Services

[Revise the text of 12.2.3 as follows:]

COD service may be used with Hold For Pick Up service under 508.7.0, and may also be combined with the following services when the additional service fees are paid:

a. Restricted delivery.

b. Return receipt.

c. USPS Tracking (except with Priority Mail Express COD).

d. Registered Mail.

e. Signature Confirmation (except with Priority Mail Express COD).

f. Special handling.

12.2.4 Registered COD Mail

[Revise 12.2.4 by deleting the current last two sentences and inserting a new last sentence as follows:]

* * * The label and form must be affixed according to 12.4.1

12.2.5 Priority Mail Express COD

[Revise the text of 12.2.5 as follows:]

Any article sent COD also may be sent by Priority Mail Express when a delivery signature is requested. The maximum amount collectible from the addressee and the indemnity for an individual article is limited to $1,000.00. Priority Mail Express postage and the COD fees must be paid. The label and form must be affixed according to 12.4.1.

* * * * *

12.2.7 Redirecting COD Articles

[Revise the text of 12.2.7 as follows:]

The mailer of a COD article may use USPS Package Intercept service under 507.5.0 to redirect the article to a new addressee at a designated Post Office using Hold For Pickup service.

12.3 Forms

12.3.1 Form 3816

[Revise the text of 12.3.1 as follows:]

Mailers must complete barcoded Form 3816 (see Exhibit 12.3.1) or Form 3816–AS (see 12.3.2) and attach it above the delivery address and to the right of the return address, or to the left of the delivery address on parcels.

* * * * *

12.3.2 Privately Printed Form 3816–AS

[Revise the text of 12.3.2 as follows:]

If authorized, a mailer may use a privately printed Form 3816–AS in a 3-ply or 5-ply format. If Form 3816–AS does not provide detachable second and third copies, use Form 3877 under 12.4.4. The privately printed form must be nearly identical in text, design, and color to postal Form 3816, with a COD article number that can be read by automated postal equipment and an Intelligent Mail package barcode (IMpb) prepared under 708.5.0. As stated in Publication 199, available at *http://ribbs.usps.gov/,* mailers must provide pre-production barcoded COD labels to the National Customer Service Center (NCSC) for review and approval prior to use.

12.3.3 Nursery Stock

[Revise the complete text of 12.3.3 as follows:]

A firm that mails nursery stock may use Form 3816–AS (see 12.3.2) and include instructions for disposing of shipments not delivered immediately under the following conditions. The firm's instructions on the back of the delivery office part of the COD form *(1),* and on the remittance coupon *(2),* should read as follows:

a. ''If recipient refuses to pay charges for any reason, deliver at once without collecting the charges. If parcel is not deliverable or not claimed by the addressee after 10 days, destroy parcel. See remittance coupon for further instructions.''

b. ''Return this coupon with money order. If parcel is delivered without collection of charges, or is destroyed after 10 days, check disposition and send coupon to sender in penalty envelope.''

☐ Delivered to addressee without collecting charges.

☐ Destroyed after 10 days.

12.4 Mailing

12.4.1 Identifying Number

[Revise the text of 12.4.1 as follows:]

COD articles are identified by a number on each section of the COD form. When COD is used with Priority Mail Express, Registered Mail, Hold For Pickup service or, a separate barcoded shipping label, the mailer must place both the label and the COD form on the front of the article. The Priority Mail Express article number or the Registered Mail number is used for delivery receipt and indemnity claims. When a separate Hold For Pickup or barcoded shipping label is used, the identifying tracking numbers on the label and the COD form must match.

[Delete item 12.4.2, Numbering for Large Volumes, in its entirety (context of text relocated into 12.2.1), and renumber current items 12.4.3 through 12.4.8 as new items 12.4.2 through 12.4.7]

12.4.2 Completing COD Forms

[Revise the text of renumbered 12.4.2 as follows:]

The mailer must securely affix the COD form to each COD article. The form must show article number, names and addresses of mailer and recipient, amount due mailer, and amount of money order fee. This information must be handwritten with ink, typewritten, or computer-printed. The mailer may not stipulate ''Cash Only'' on the COD form. The USPS is not responsible for errors that a mailer makes in stating the charges to be collected.

12.4.3 Addressing Forms

[Revise the second sentence of renumbered 12.4.3 as follows:]

* * * The return address on the COD form must be the same as the return address on the COD article, except that a mailer using a Form 3816–AS may print a different address on the remittance coupon where payments are to be sent. * * *

12.4.4 Receipt

[Revise the text of renumbered 12.4.4 as follows:]

A mailer using Form 3816 receives a section of this form as a receipt. If three or more COD articles are presented for mailing at one time, the mailer may use Form 3877 (firm sheet) or privately printed firm sheets in conjunction with Form 3816. When a mailer uses a Form 3816–AS that does not provide detachable second and third copies, Form 3877 also must be used. Privately printed or computer-generated firm sheets that contain the same information as Form 3877 may be approved by the local Postmaster or manager, Business Mail Entry. Mailers may omit columns from Form 3877 that do not apply to COD mail. The mailer must submit firm sheets in duplicate and will receive one copy of the postmarked form as a mailing receipt (in lieu of Copy 3 of Form 3816 or Form 3816–AS) after the entries are verified by a postal employee. The acceptance Post Office retains the second copy. All entries on Form 3877 or privately-printed firm sheets must be made by typewriter, printed in ink, or computer-generated. Alterations must be initialed by the mailer and accepting employee. All unused portions of the addressee

column must be obliterated with a diagonal line.

* * * * *

12.5 Delivery

[Revise the text of 12.5 as follows:]

Delivery of COD mail is subject to 508.1.0 and 508.2.0. Except for Priority Mail Express COD, a Postmaster may restrict delivery of COD mail if the amount to be collected makes the carrier a potential target for theft or if it is known that the addressee will be unavailable to receive the article. If payment is by check or a money order made payable to the mailer, the recipient must present adequate identification. If payment is made by cash, a money order fee is collected from the recipient in addition to the COD amount.

* * * * *

505 Return Services

* * * * *

2.0 Permit Reply Mail

2.1 General Information

* * * * *

2.1.5 Special Standards for PRM Pieces With an Optical Disc

[Revise the second sentence of 2.1.5 as follows:]

* * *. A flat-size PRM piece containing one standard optical disc and weighing no more than 2 ounces will be charged postage applicable for a 1-ounce First-Class Mail letter if the piece meets the standards in 333.2.7.

* * * * *

507 Mailer Services

1.0 Treatment of Mail

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1.5 Treatment for Ancillary Services by Class of Mail

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1.5.3 Standard Mail and Parcel Select Lightweight

* * * * *

Exhibit 1.5.3, Treatment of Undeliverable Standard Mail and Parcel Select Lightweight

MAILER ENDORSEMENT USPS TREATMENT OF UAA PIECES

* * * * *

[In the ''MAILER ENDORSEMENT'' column, change the footnote appended to ''Forwarding Service Requested'' from the current ''2'' to footnote ''3.'']

* * * * *

[In the MAILER ENDORSEMENT'' column, change the footnotes appended to the first listing of ''Change Service Requested'' from the current ''1, 3'' to ''1, 4.'']

* * * * *

[At the bottom of the table, redesignate current footnotes 2 and 3 as new 3 and 4, respectively, and add new footnote 2 (restored from its intended place where it was as of 1–27–2013) to read as follows:]

1. The weighted (per piece) fee is the First-Class Mail or Priority Mail single-piece price and any nonmachinable surcharge (see 133.1.0), multiplied by 2.472; rounding any fractions to the next whole cent.

* * * * *

1.8 Returning Mail

* * * * *

1.8.5 Extra Services

[Revise 1.8.5 by revising the third and fourth sentences and adding a new fifth sentence as follows:]

* * * The sender must sign a delivery receipt for returned Priority Mail Express, Registered Mail, COD articles, Adult Signature services, and mail insured for more than $200. Returned Priority Mail Express (when waiver of signature is requested by the sender), Certified Mail, and mail with Signature Confirmation or return receipt for merchandise service may be returned to the sender without obtaining a signature when those mailpieces are returned as undeliverable.

* * * * *

4.0 Address Correction Services

* * * * *

4.3 Sender Instructions

* * * * *

4.3.2 Extra Services

[Revise the complete text of 4.3.2 as follows:]

A change-of-address order to a domestic address covers Certified Mail, COD, insured, Registered Mail, Signature Confirmation, Adult Signature services, and return receipt for merchandise mail unless the sender gives other instructions.

This mail is treated as follows:

a. COD mail is not forwarded to overseas military Post Offices.

b. Ordinary and insured parcels marked with the mailer's instructions are treated following instructions, such as: ''Do not forward or return. If not accepted within ____ days, treat as abandoned. Notify mailer of disposition.''

c. COD mail will be handled as requested when marked under 503.12.

* * * * *

508 Recipient Services

1.0 Recipient Options

1.1 Basic Recipient Concerns

* * * * *

1.1.7 Priority Mail Express and Accountable Mail

[Revise the introductory text of 1.1.7 as follows:]

The following conditions also apply to the delivery of Priority Mail Express and other accountable mail (Registered Mail, Certified Mail, insured for more than $200.00, COD, or Adult Signature services as well as mail with return receipt service, return receipt for merchandise service, or restricted delivery service:

[Revise item 1.1.7a as follows:]

a. The addressee (or representative) may obtain the sender's name and address while held by the USPS employee before accepting delivery and endorsing the delivery receipt.

* * * * *

[Revise item 1.1.7c as follows:]

c. Suitable identification may be required of the recipient before delivery of the mailpiece.

* * * * *

[Revise item 1.1.7e as follows:]

e. USPS responsibility ends when the mailpiece is delivered to the addressee (or another party, subject to 1.0).

* * * * *

[Revise all of item 1.1.7g as follows:]

g. A hand stamp approved by the Postmaster may be used by the addressee (or authorized agent) to provide the signature and name of the individual or organization receiving the mailpiece as follows:

1. The hand stamp imprint must fit within the Signature and Printed Name blocks on Form 3849, without overlapping into other sections.

2. To obtain approval for a hand stamp, the company must submit a written statement to the postmaster that the person whose name appears on the stamp is authorized to accept accountable mail, accompanied by a sample of the authorized employee's signature. After approval, the documentation is held by the postmaster and the stamped signature and name are acceptable only if a legible impression is provided within the Signature and Printed Name blocks on Form 3849.

3. For mail addressed only to a federal or state official, the stamp need show only the name and location of the accepting organization. In these cases, the stamp imprint must fit within the Printed Name and Delivery Address

block of Form 3849 without overlapping into other sections.

* * * * *

7.0 Hold For Pickup

* * * * *

7.2 Basic Information

7.2.1 Description

[Revise the text of 7.2.1 as follows:]

Hold For Pickup service allows mailpieces to be held at a designated Post Office for pickup by an addressee. When the mailer has provided contact information to the destination Post Office, the customer is notified by email that a package is available for pickup. This service provides the shipper with the date and time of delivery to the addressee. If the item has not been picked up within 5 days, the Post Office makes a second notification attempt and returns the item to the sender if not picked up within 15 days.

7.2.2 Basic Eligibility

[Revise the complete text of 7.2.2 as follows:]

Hold For Pickup service is available with Priority Mail Express. It is also available with commercial mailings of Priority Mail (except Critical Mail), First-Class Package Service parcels, and Parcel Select Nonpresort parcels when:

a. Mailpieces bear the Hold For Pickup label with an Intelligent Mail package barcode under 708.5.0.

b. One of the extra services in 7.2.6 is combined with Hold For Pickup service.

* * * * *

7.2.6 Extra Services

[Revise the introductory text of 7.2.6 as follows:]

Hold For Pickup service, except when used with Priority Mail Express, must be combined with one or more of the following:

* * * * *

[Add new item 7.2.6e as follows:]

e. Collect on Delivery (COD).

7.3 Preparation Definitions and Instructions

Except for Priority Mail Express Hold For Pickup presented at retail Post Office locations, mailers must prepare mailpieces bearing the ''Hold For Pickup'' label as follows:

[Delete current item 7.3a in its entirety, and redesignate current items b through d as new items a through c; additionally revise redesignated item 7.3a as follows:]

a. Exchange electronic files with USPS through an approved file transfer protocol to notify the addressee when a parcel is available for pickup or to notify the mailer that items are available to be picked up as ''return to sender.''

* * * * *

c. In addition to the markings defined in 7.0, address labels on a Hold For Pickup mailpiece must contain the elements below:

* * * * *

[Revise redesignated 7.3c7 as follows:]

7. The lower half of the address label must contain a correct Intelligent Mail package barcode under 708.5.0 or an integrated barcode as defined in Publication 199.

[Insert new item 7.3c8 as follows:]

8. If combined with COD service, other information as required in 503.12.

* * * * *

600 Basic Standards for All Mailing Services

* * * * *

602 Addressing

1.0 Elements of Addressing

* * * * *

1.5 Return Addresses

* * * * *

[Renumber current 1.5.4 as new 1.5.5; add new 1.5.4 to read as follows:]

1.5.4 Use of Foreign Return Addresses

Regardless of destination, when U.S. postage is applied to a mailpiece, only a domestic return address is authorized, except when the addressee's permanent residence is outside the United States or its territories (e.g., a tourist who lives abroad and is shipping an item home from the United States). This exception is applicable for only incidental non-commercial use for single-piece price mailpieces.

* * * * *

4.0 Detached Address Labels (DALs) and Detached Marketing Labels (DMLs)

4.1 DAL and DML Use

* * * * *

4.1.2 Periodicals or Standard Mail Flats Saturation Mailings

[Revise the text of 4.1.2 as follows:]

Saturation mailings of only unaddressed Periodicals or Standard Mail flats may be mailed with detached address labels (DALs), but DALs may not bear simplified addresses when used with Standard Mail flats. For this standard, saturation mailing means a mailing sent to at least 75% of the total addresses on a carrier route or 90% of the residential addresses on a route, whichever is less. Saturation flats presented with DALs that are not automation-compatible and correctly barcoded do not qualify for saturation prices. Instead they may be entered at applicable basic carrier route prices. This standard (for automation-compatible barcoded DALs) does not apply to DALs with simplified addressing when correctly used with Periodicals flats.

* * * * *

4.2 Label Preparation

* * * * *

4.2.2 Addressing

[Revise the text of 4.2.2 as follows:]

The address for each item must be placed on a DAL, parallel to the longest dimension of the DAL, and may not appear on the item it accompanies. The DAL must contain the delivery address and a return address. In addition, if DALs accompany saturation mailings of Periodicals or Standard Mail flats, a correct Intelligent Mail barcode with an 11-digit routing code must be printed on each DAL except when using a simplified address for Periodicals flats as allowed by standards.

* * * * *

4.5 Postage

* * * * *

4.5.2 Postage Computation and Payment

* * * In addition, these methods of postage payment apply:

* * * * *

[Revise item 4.5.2b as follows:]

b. Standard Mail flats (except EDDM flats) and parcels and Bound Printed Matter pieces must be paid by permit imprint, which must appear on each DAL.

* * * * *

604 Postage Payment Methods

* * * * *

5.0 Permit Imprint (Indicia)

5.1 General Standards

* * * * *

5.1.2 Minimum Volume

Permit imprint mailings must contain at least 200 pieces or 50 pounds of mail, except:

* * * * *

[Add new item 5.1.2g as follows:]

g. A mailing containing 50 pieces or 50 pounds of nonpresorted single-piece domestic mail parcels submitted under the terms of an approved Manifest Mailing System (including eVS) agreement under 705.2.0. Mailers may include any combination of the following products under this provision: Priority Mail Express (eVS only), Priority Mail, First-Class Package Service parcels, First-Class Mail parcels,

nonpresorted Bound Printed Matter parcels, Parcel Select Nonpresort parcels, and single-piece Media Mail and Library Mail parcels. Parcels in USPS-provided packaging, including Flat Rate Envelopes and Boxes, may be included.*

* * * * *

608 Postal Information and Resources

* * * * *

8.0 USPS Contact Information

8.1 Postal Service

* * * * *

[Add a new listing in alphabetical order as follows:]

Network Integration Support, 475 L'Enfant Plz SW., Rm 7536, Washington DC 20260–2806

* * * * *

609 Filing Indemnity Claims for Loss or Damage

1.0 General Filing Instructions

1.1 Extra Services With Indemnity

[Revise the text of 1.1 as follows:]

A customer may file an indemnity claim for insured mail, COD items, Registered Mail with postal insurance, or Priority Mail Express. See Publication 122, available on *www.usps.com,* for additional information.

* * * * *

1.4 When To File

File claims as follows:

* * * * *

[Revise the chart in 1.4 as follows:]

Mail type or service	When to file (from mailing date)	
	No sooner than	No later than
Priority Mail Express	7 days	60 days.
Priority Mail Express COD	15 days	60 days.
Registered Mail	15 days	60 days.
Registered Mail COD	15 days	60 days.
Insured Mail (including Priority Mail under 3.2)	15 days	60 days.
COD	15 days	60 days.
APO/FPO Priority Mail, Express Military Service	21 days	180 days.
APO/FPO/DPO Insured Mail and Registered Mail (Priority Mail, First-Class Mail, SAM, or PAL).	45 days	1 year.
APO/FPO/DPO Insured Mail (Surface only)	75 days	1 year.

[Delete item 1.5, Where to File, in its entirely and renumber current 1.6 and 1.7 as new item 1.5 and 1.6, then revise the title of renumbered 1.5 as follows:]

1.5 Where and How To File

1.5.1 Claims Filed Online

[Revise the first and second sentences of renumbered 1.5.1 as follows:]

Domestic indemnity claims should be filed online (preferred) at *www.usps.com/domestic-claims* for domestic insured mail, COD, Registered Mail with postal insurance, and Priority Mail Express. Proof of value is required and should be submitted online as an uploaded file (.pdf or .jpeg). * * *

1.5.2 Claims Filed by Mail

[Revise the text of renumbered 1.5.2 as follows:]

Customers may file a claim by completing a Form 1000 and mailing it to the address indicated on the form, accompanied by proof of value. Obtain Form 1000 by calling 1–800–332–0317, option 9. For pieces with multiple extra services, the customer must provide original receipts for all services purchased. Upon request by the USPS, the customer must submit proof of damage under 2.0 for damaged items or missing contents.

[Delete renumbered 1.5.3, Claims Filed at the Post Office and current 1.7, Filing Duplicate Claims, in their entirety.]

2.0 Providing Proof of Loss or Damage

[Delete the title of current 2.1, and revise the text of current 2.1 as new 2.0 as follows:]

If a claim is filed because some or all of the contents are missing or damaged, the addressee must retain the mailing container, including any damaged articles, all packaging, and any contents received. Upon written request by the USPS, the addressee must make this proof available to the local Post Office for inspection, retention, and disposition in accordance with the claims decision. Failure to do so will result in denial of the claim.

[Delete current 2.2, Proof of Damage, in its entirety.]

3.0 Providing Evidence of Insurance and Value

3.1 Evidence of Insurance

[Revise the complete text of 3.1 as follows:]

For a claim involving articles listed in 1.1, the customer must retain evidence showing that the specific USPS service was purchased, until the claim is resolved. Examples of acceptable evidence are:

a. The original mailing receipt issued at the time of mailing (retail insured mail, Registered Mail, and COD receipts must contain a USPS postmark). For insured mail, a photocopy of the original mailing receipt is acceptable.

b. The outer packaging showing the names and addresses of the sender and the addressee and the proper label showing that the article was sent insured, COD, Registered Mail with postal insurance, or Priority Mail Express. (If only the outer packaging is submitted, indemnity can be limited to $100 for insured, $50 for COD, $100 for Registered Mail, and $100 for Priority Mail Express.)

c. For Priority Mail Express items accepted under a Priority Mail Express Manifesting agreement in 705.2.0, a copy of the manifest page showing the Priority Mail Express label number for the item; the manifest summary page for the mailing date of the piece; a copy of Form 3152–E round-dated by the accepting Post Office; and a copy of the USPSCA monthly statement that lists the label number and postage for the mailpiece. If the customer purchased additional insurance, a copy of the round-stamped Form 3877 also must be submitted.

d. For insurance purchased online, a printed electronic online label record or a computer printout from the application used to print the label and purchase the insurance. The printout must identify the USPS Tracking number of the insured parcel, total postage paid, insurance fee paid, declared value, mailing date, origin ZIP Code, and delivery ZIP Code.

e. For insured mail or COD mail paid using MMS or eVS under 705.2, the mailer must use one of the following:

1. A Detail Record in their Shipping Services file version 1.6 or higher, with recipient name and address information for the accountable extra services pieces in the mailing.

2. A printout of the part of Form 3877 that identifies the parcel by article number, the package identification code (PIC) of the insured or COD parcel, total postage paid, fee paid, declared insured value, amount due sender if COD, mailing date, origin ZIP Code, and delivery ZIP Code reported in the parcel record in the manifest file.

[Revise the title and introductory text of 3.2 as follows:]

3.2 Proof of Value

Either the mailer or the addressee must submit acceptable proof to establish the cost or value of the article at the time it was mailed. Proof of value should be submitted electronically or attached to the claim form under 1.6; otherwise, the claim cannot be processed. Other proof may be requested to help determine an accurate value. Examples are:

* * * * *

[Revise item 3.2b as follows:]

b. For items valued up to $50, the customer's statement describing the lost or damaged article and including the date and place of purchase, the amount paid, and whether the item was new or used (if a receipt or invoice is not available).

* * * * *

[Revise item 3.2g as follows:]

g. A copy of a credit card statement or other documentation indicating the amount paid.

* * * * *

4.0 Claims

4.1 Payable Claim

[Revise the introductory sentence of 4.1 as follows:]

Insurance for loss or damage to insured, COD, or Registered Mail within the amount covered by the fee paid or the indemnity limits for Priority Mail Express (under 4.2) is payable for the following:

* * * * *

[Revise item 4.1g as follows:]

g. For stamps and coins of philatelic or numismatic value; the fair market value is determined by a recognized stamp or coin dealer or current coin and stamp collectors' newsletters and trade papers. The date of the fair market value determination must be current and prior to the mailing date.

* * * * *

[Insert new items 4.1p and 4.1q as follows:]

p. For firearms mailed by licensed firearm dealers under 601.12, a Form 1508 must be submitted with the claim.

q. For collectible items, a sales receipt, invoice or bill of sale, or statement of value from a reputable dealer must be provided as described in 3.2.a.

4.2 Payable Priority Mail Express Claim

[Revise the introductory text of 4.2 and the introductory text of item 4.2a as follows:]

In addition to the payable claims in 4.1, the following are payable for Priority Mail Express mailpieces:

a. Nonnegotiable documents are insured against loss, damage, or loss of some contents while in transit. Coverage is limited to $100 per mailpiece, subject to a maximum limit per occurrence as provided in 4.2a4. Claims for document reconstruction insurance must be supported by a statement of expense incurred in reconstruction. Nonnegotiable documents include audit and business records, commercial papers, and other written instruments that cannot be negotiable or cannot be converted into cash without forgery. Articles such as artwork, collector or antique items, books, pamphlets, readers' proofs, repro proofs, separation negatives, engineering drawings, blueprints, circulars, advertisements, film, negatives, and photographs are considered merchandise, not documents. Indemnity for document reconstruction is paid as follows:

* * * * *

4.3 Nonpayable Claims

Indemnity is not paid for insured mail, Registered Mail, COD, or Priority Mail Express in these situations:

* * * * *

[Revise item 4.3f as follows:]

f. Loss resulting from delay of the mail, except under 4.2a2 and 4.3ad below.

* * * * *

[Revise item 4.3k as follows:]

k. Death of honeybees, crickets, and harmless live animals not the fault of the USPS (mailability is subject to 601.9.0).

* * * * *

[Revise item 4.3r as follows:]

r. Consequential loss of Priority Mail Express, except under 4.2a3 and 4.3ad.

* * * * *

[Revise item 4.3aa as follows:]

aa. Lottery tickets, sweepstakes tickets, contest entries, gift cards and similar items.

* * * * *

6.0 Adjudication of Claims

* * * * *

6.2 Appealing a Claim Decision

[Revise the text of 6.2 as follows:]

A customer may appeal a claim decision within 30 days from the date of the original decision at *www.usps.com/insuranceclaims/online.* Customers who did not file their claim online must send written appeals to Accounting Services (see 608.8.0 for address).

6.3 Final USPS Decision of Claims

[Revise the text of 6.3 as follows:]

If Accounting Services sustains the denial of a claim, the customer may submit an additional appeal within 30 days for final review and decision to the Consumer Advocate (see 608.8.0 for address).

* * * * *

700 Special Standards

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705 Advanced Preparation and Special Postage Payment Systems

* * * * *

8.0 Preparing Pallets

* * * * *

8.5 General Preparation

* * * * *

8.5.6 Mail on Pallets

These standards apply to mail on pallets:

* * * * *

[Revise item 8.5.6h as follows:]

h. Heavier, fuller trays must be placed at the bottom of the load, unless excepted by other standards (such as 245.7.7) that may require placement on the top of the pallet.

* * * * *

14.0 Combining Bundles of Flats on Pallets Within FSS Zones

14.1 General

[Revise the introductory paragraph of 14.1 as follows:]

Presorted and basic carrier route Standard Mail flats, and all Bound Printed Matter (BPM) presorted and carrier route flats and Periodicals flats meeting the standards in 301.3.2, must be consolidated into 5-digit FSS scheme bundles and placed on pallets, in sacks, or in approved alternate containers, for 5-digit FSS scheme ZIP Code

combinations within the same facility. Mailings that include 10 or more pieces of Standard Mail flats, 6 or more pieces of Periodicals flats or 10 or more pieces (or 10 or more pounds) of BPM flats to a FSS scheme, must be prepared in FSS scheme bundles for that 5-digit FSS scheme. Mailers may optionally prepare scheme pools with less than those minimums and may prepare an FSS scheme bundle if there is a minimum of 3 inches per bundle. Mailings of nonpresorted BPM flats may be included in FSS preparation, but will not be eligible for presorted or carrier route prices. The Postal Service also recommends the use of flat trays in lieu of sacks for FSS bundles. Bundles of flats prepared to FSS zones also may be combined with bundles of flats not intended for FSS processing when prepared to less finely presorted containers in accordance with these standards and the standards in 8.0. Mailers must place qualifying mailpieces from all price categories into a separate combined pool for each individual 5-digit FSS-scheme combination, and then prepare bundles of uniform size from those pieces. Mailpieces that meet the eligibility standards for 5-digit prices, basic and high density carrier route prices, or BPM presort or carrier route prices will continue to be eligible for these prices when prepared in accordance with the FSS preparation standards. Saturation price Standard Mail and Periodicals flats are not eligible for preparation under this option. High Density and High-Density Plus Standard Mail flats that meet the physical requirements in 301.3 may be included when prepared in accordance with these standards. Mailpieces and bundles must also be prepared as follows:

[Revise 14.1a and b as follows:]

a. Bundles for all FSS schemes must be identified as a 5-digit scheme presort with an optional endorsement line under 708.7.0; or when authorized, using a red Label 5 SCH barcoded pressure-sensitive bundle label.

b. It is recommended that all Standard Mail and Periodicals pieces placed into an FSS pool be barcoded, and bear an accurate delivery point Intelligent Mail barcode with an accurate 11-digit routing code.

* * * * *

[Revise 14.1j as follows:]

j. An FSS scheme pallet, or approved alternate container, must be made when 250 pounds or more of bundles are available for an individual FSS 5-digit scheme. Bundles remaining after palletization may be placed in sacks (or flat trays if approved).

* * * * *

14.2 Periodicals

14.2.1 Basic Standards

[Revise the introductory paragraph of 14.2.1 as follows:]

Except for Periodicals flats mailed at In-County prices, Periodicals flats mailings of 5,000 pieces or less mailed at Outside-County prices, or otherwise excepted Periodicals flats mailings, all Periodicals flats meeting the standards in 301.3.2 (nonmachinable flats up to 1-inch thick may be included if they meet the standards in 705.14) and destinating to FSS zones as shown in L006, must be prepared according to these standards. Mailings of In-County Periodicals flats and Outside-County Periodicals flats mailings of 5,000 pieces or less also may be prepared according to these standards. Periodicals are subject to the following:

* * * * *

[Revise 14.2.1a and 14.2.1b as follows:]

a. Pricing eligibility is based on 707.11.0 through 707.14.0, except that the 5-digit Outside-County bundle charge will be assessed to bundles of Outside-County Periodicals prepared in accordance with these standards, including bundles of flats claimed at the carrier route piece price. All Periodicals flats prepared under these standards will be assessed the 3-digit bundle price without regard to the piece prices claimed. FSS bundles placed on FSS scheme or FSS facility pallets, sacks or trays will claim the 3-digit bundle price.

b. FSS 5-digit scheme pallets will be assessed the Outside-County container charge for the 3-digit level pallet, except that there is no container charge for FSS 5-digit scheme pallets entered at a DFSS facility. FSS facility sort level pallets will be charged a container price for the SCF pallet. FSS scheme sacks or trays will continue to be assessed the 3-digit price. Sacks and trays entered at a DFSS will claim the DSCF entry price.

[Redesignate current 14.2.1c through f as new 14.2.1d through g, and add new item 14.2.1c to read as follows:]

c. The Outside-County pound price will be the same as the DSCF price. The Inside-County price will claim prices for the ''none'' entry level.

* * * * *

[Revise redesignated items 14.2.1e, f and g as follows:]

e. Mailers must combine all 5-digit, carrier route, and 5-digit scheme eligible flat-size mailpieces into a combined mailpiece pool for each FSS 5-digit scheme combination according to L006.

f. Each bundle must be identified with a ''SCH 5–DIGIT FSS'' optional endorsement line in accordance with Exhibit 708.7.1.1; or when authorized, using a red Label 5 SCH barcoded pressure-sensitive bundle label.

g. All pooled Periodicals mailpieces prepared on pallets to a single presort destination must be prepared in uniform size bundles, between 3 inches and 6.5 inches in height and secured under 601.2.0, except that one overflow bundle per mailpiece pool may be under the minimum size.

* * * * *

14.2.2 Pallet Preparation and Labeling

* * * Preparation sequence and labeling:

[Revise the introductory text of 14.2.2a as follows:]

a. *FSS scheme,* required (optional under 250 pounds), no minimum, permitted only for FSS bundles prepared for a single FSS scheme, as shown in L006. Labeling:

* * * * *

[Revise the introductory text of 14.2.2b as follows:]

b. *FSS facility sort,* optional, no minimum, permitted only for FSS bundles prepared for the FSS sort plans processed within the same facility, as shown in L006. Labeling:

* * * * *

14.2.3 Sack Preparation and Labeling

* * * Preparation and labeling:

[Revise the introductory text of 14.2.3a as follows:]

a. *FSS scheme,* required, permitted only for 5-digit FSS scheme bundles prepared for a single FSS scheme, as shown in L006; labeling:

* * * * *

[Revise the introductory text of 14.2.3b as follows:]

b. *FSS facility sort,* optional, permitted only for FSS bundles prepared for the FSS sort plans processed within the same facility, as shown in L006; labeling:

* * * * *

14.3 Standard Mail

14.3.1 Basic Standards

* * * Standard Mail flats are subject to the following:

* * * * *

[Revise 14.3.1c and d as follows:]

c. Mailers must combine all 5-digit, basic carrier route, and 5-digit scheme eligible flat-size mailpieces into a combined mailpiece pool for each FSS 5-digit scheme combination according to L006.

d. Each bundle must be identified with a ''SCH 5–DIGIT FSS'' optional

endorsement line in accordance with Exhibit 708.7.1.1; or when authorized, using a red Label 5 SCH barcoded pressure-sensitive bundle label.

* * * * *

14.3.2 Pallet Preparation and Labeling

* * * Preparation sequence and labeling:

[Revise the introductory text of 14.3.2a as follows:]

a. *FSS scheme,* required (optional under 250 pounds), no minimum, permitted only for FSS bundles prepared for a single FSS scheme, as shown in L006. Labeling:

* * * * *

[Revise the introductory text of 14.3.2b as follows:]

b. *FSS facility sort,* optional, no minimum, permitted only for FSS bundles prepared for the FSS scheme processed within the same facility, as shown in L006. Labeling:

* * * * *

14.3.3 Sack Preparation and Labeling

* * * Preparation and labeling:

[Revise the introductory text of 14.3.3a as follows:]

a. *FSS scheme,* required, permitted only for 5-digit FSS scheme bundles prepared for a single FSS scheme, as shown in L006; labeling:

* * * * *

[Revise the introductory text of 14.3.3b as follows:]

b. *FSS facility sort,* optional, permitted only for 5-digit FSS bundles prepared for the FSS schemes processed within the same facility, as shown in L006; labeling:

* * * * *

14.4 Bound Printed Matter

14.4.1 Basic Standards

[Revise the introductory text of 14.4.1 as follows:]

Bound Printed Matter (BPM) flats eligible for, and paid at, presorted prices or carrier route prices, and that meet the standards in 301.3.2, must be combined in 5-digit FSS scheme bundles and placed on pallets, or in flat trays, sacks or approved alternate containers, for delivery to ZIP Codes having FSS processing capability, as shown in L006. BPM flats are subject to the following:

* * * * *

[Revise 14.4.1c and d as follows:]

c. Mailers must combine all eligible flat-size mailpieces into a combined mailpiece pool for each FSS 5-digit scheme combination according to L006.

d. Each bundle must be identified with a ''SCH 5–DIGIT FSS'' optional endorsement line in accordance with Exhibit 708.7.1.1; or when authorized, using a red Label 5 SCH barcoded pressure-sensitive bundle label.

* * * * *

14.4.2 Pallet Preparation and Labeling

* * * Preparation sequence and labeling:

[Revise the introductory text of 14.4.2a as follows:]

a. *FSS scheme,* required (optional under 250 pounds), no minimum, permitted only for FSS bundles prepared for a single FSS scheme, as shown in L006. Labeling:

* * * * *

[Revise the introductory text of 14.4.2b as follows:]

b. *FSS facility sort,* optional, no minimum; permitted only for FSS bundles prepared for the FSS schemes processed within the same facility, as shown in L006. Labeling:

* * * * *

14.4.3 Sack Preparation and Labeling

* * * Preparation and labeling:

[Revise the introductory text of 14.4.3a as follows:]

a. FSS *scheme,* required, permitted only for 5-digit FSS scheme bundles prepared for a single FSS scheme, as shown in L006; labeling:

* * * * *

[Revise the introductory text of 14.4.3b as follows:]

b. *FSS facility sort,* optional, permitted only for FSS bundles prepared for the FSS schemes processed within the same facility, as shown in L006; labeling:

* * * * *

15.0 Combining Standard Mail Flats and Periodicals Flats

15.1 Basic Standards

* * * * *

[Revise the title and introductory text of 15.1.11 as follows:]

15.1.11 Preparation for FSS Zones

Mailers authorized to combine mailings of Standard Mail flats and Periodicals flats must prepare these mailings under 14.0, when the mailing includes pieces destinating within one or more of the FSS zones in L006. Mailpieces eligible for High Density and High-Density Plus prices are not required to, but may be, prepared under the standards in 14.0. The following applies:

[Delete current items 15.1.11a through c in their entirety and resequence current items 15.11.1d through f as new items 15.11.1a through 1c.]

* * * * *

707 Periodicals

* * * * *

4.0 Basic Eligibility Standards

* * * * *

4.9 Issues

4.9.1 Regular Issues

[Revise the text of 4.9.1 as follows:]

Regular issues must be published according to the publication's stated frequency. Issues may include annual reports, directories, buyers' guides, lists, and similar material if these issues bear the publication title and are included in the regular subscription price, if any.

* * * * *

[Delete 4.9.3, Content, in its entirety (text moved into 4.9.1).]

[Renumber current 4.9.4 and 4.9.5 as new 4.9.3 and 4.9.4.]

* * * * *

6.0 Qualification Categories

6.1 General Publication

* * * * *

6.1.2 Circulation Standards

General publications must meet these circulation standards:

* * * * *

[Revise items 6.12b through 6.1.2g as follows:]

b. Records for subscriptions to a publication must be kept so that subscriptions to each publication can be verified.

c. Persons whose subscriptions are obtained at a nominal price and those whose copies bear an alternative address must not be included in the legitimate list of subscribers. Such copies must be treated as nonsubscriber copies.

d. Subscriptions may be paid for with dues or contributions, if the amount paid for the subscription is stated. The USPS may require evidence of compliance; see 5.1.2 for more information.

e. A subscription must be separated from all other business transactions to be evident as an independent act. Publishers must be able to show that subscriptions are voluntary and that the subscription price is paid or promised.

f. At least 50% of a publication's distribution must be to persons who have paid above a nominal price. (For inclusion of electronic copies, see 6.5). Nominal price subscriptions include those sold at a price so low that it cannot be considered a material consideration; or at a reduction to the subscriber (under a premium offer or any other arrangement) of more than 70% of the basic annual subscription

price. The value of a premium is its actual cost to the publisher, its recognized retail value, or its represented value, whichever is highest.

g. Publications primarily designed for free circulation or for circulation at nominal prices do not qualify for the general publications category.

[Delete items 6.1.2g1 through 6.1.2g4 in their entirety; the same substantive information is included in items 6.1.2a through 6.1.2f.]

* * * * *

6.4 Requester Publications

* * * * *

6.4.2 Circulation Standards

Requester publications must meet these circulation standards:

* * * * *

[Revise item 6.4.2b as follows:]

b. Subscription copies of the publications that are paid for or promised to be paid for, including those at or below a nominal price, may be included in the 50% request requirement. (For inclusion of electronic copies, see 6.5.)

* * * * *

[Revise items 6.4.2d through 6.4.2f as follows:]

d. Records of requests for a publication must be kept so that subscriptions or requests for each publication can be verified.

e. Requests more than 3 years old are not valid requests. Copies addressed using an alternative address format are not considered requested copies.

f. For a requester publication issued by a membership organization, the organization may adopt a resolution that each member receives a copy of each issue. Records must be kept to show that the publication is sent to members.

Form 3500 must be accompanied by a copy of the resolution and written assurance that the required records are kept.

* * * * *

6.7 News Agent Registry

6.7.1 Definition

[*Revise the text of 6.7.1 by including text from current 6.7.2 as follows:*]

The term *news agent* means a person or concern selling two or more Periodicals publications published by more than one publisher. A news agent must be authorized by the USPS before the agent may mail publications at Periodicals prices.

[Delete current 6.7.2, Authorization; text is relocated to 6.7.1.]

[Renumber current 6.7.3 through 6.7.5 as new 6.7.2 through 6.7.4.]

* * * * *

6.7.3 Unsold Copies

[Revise the text of renumbered 6.7.3 as follows:]

Unsold copies returned to the publishers or sent to other news agents or sent to persons not having subscriptions with news agents, are subject to the Outside-County Periodicals prices.

* * * * *

7.0 Mailing to Nonsubscribers or Nonrequesters

7.1 Sample Copies

[Revise the text of 7.1 as follows:]

Sample copies are nonsubscriber or nonrequester copies and may be mailed at prices according to standards in 7.0 and 10.0.

7.2 Simplified Address

[Revise the text of 7.2 as follows:]

Copies addressed with simplified addresses under 602.3.2 may be mailed only to nonsubscribers or nonrequesters. If a subscriber or requester receives a simplified address copy in addition to the subscriber or requester copy, the additional copy is considered a nonsubscriber or nonrequester copy.

* * * * *

7.4 Gift Subscriptions

[Revise the text of 7.4 as follows:]

Copies sent to persons whose subscriptions were paid by other individuals as gifts are considered subscriber copies. Subscriptions paid by advertisers or other persons promoting their own interests, and subscriptions given free by the publisher, are *not* gift subscriptions, and are considered nonsubscriber or nonrequester copies.

7.57 Exchange Copies

[Revise the text of 7.5 as follows:]

A small part of the distribution list may contain publishers to whom one copy each is sent in exchange for a copy of the recipients' publications. These exchange copies are considered subscriber or requester copies.

* * * * *

7.7 Complimentary Copies

[Revise the text of 7.7 as follows:]

All complimentary copies are considered nonsubscriber or nonrequester copies.

7.8 Proof Copies

[Revise the text of 7.8 as follows:]

One complete copy of each issue may be mailed to each advertiser (or agent) in the issue to prove that the advertisements are printed. These copies are considered subscriber or requester copies. Any additional copies sent to an advertiser (or agent) are considered nonsubscriber or nonrequester copies.

* * * * *

9.0 Changing Title, Frequency, or Known Office of Publication

9.1 General

9.1.1 When Required

[Revise the text of 9.1.1 as follows:]

Except under 9.1.2, the publisher must file an application for reentry on Form 3510 to the original entry Postmaster to change the title, frequency of issue; or to change location of the known office of publication of an authorized Periodicals publication by submitting Form 3510 to the Postmaster whose service area oversees the new location.

* * * * *

[Delete current 9.1.3, Where to File, in its entirety (text moved to 9.1.1).]

[Renumber current 9.1.4 through 9.1.4 as new 9.1.3 through 9.1.4.]

[Delete current 9.1.6, Same County, in its entirety; the same information appears in 707.11.3.]

[Renumber current 9.1.7 as new 9.1.5 and revise as follows:]

9.1.5 Filing Date

Publishers changing the title or frequency of a publication must file Form 3510 by the date on which copies are to be issued with the new title or on the new frequency.

[Delete current 9.1.8, Effective Date, in its entirety; the same information is in current 9.3.5.]

[Renumber current 9.1.9 through 9.1.12 as new 9.1.6 through 9.1.9.]

* * * * *

9.1.7 Application Fee

[Revise the text of renumbered 9.1.7 as follows:]

The correct (nonrefundable) fee must accompany an application (Form 3510) for reentry. No additional fee is required when a revised Form 3500 is required as part of a reentry application.

9.1.8 Multiple Reentry Requests

[Revise the text of renumbered 9.1.8 as follows:]

A publisher may file one Form 3510 and pay one fee to request multiple reentry actions under 9.1 if all documentation is submitted with the Form 3510 under 9.1.3; and the effective dates for the reentry actions do not cover more than 30 calendar days. The publisher must submit a separate Form 3510 (and pay the fee) for each reentry action that cannot meet these conditions.

9.1.9 Other Actions

[Revise the text of renumbered 9.1.9 as follows:]

A publisher must submit a separate Form 3510 (and pay the fee) for each reentry action under 28.4, 30.0, 10.0 (no fee), or 9.2. A publisher must file a separate Form 3510 (and pay the fee) if the publication's distribution plan is modified other than the frequency of issuance or the location of the original entry Post Office.

9.2 Changing Qualification Categories

[Revise the text of 9.2 as follows:]

To change the category under which a publication is authorized Periodicals mailing privileges, the publisher must file a revised Form 3500 and an application for reentry on Form 3510 with the original entry Postmaster and pay the applicable fee. See 9.1.2 for when a reentry application may not be required.

[Delete current 9.2.1, 9.2.2, 9.2.3, and 9.2.4 in their entirety (the text of 9.2.1, 9.2.3, and 9.2.4 are merged into new text in 9.2; the text of 9.2.2 is already covered in current 9.1.2).]

9.3 Application for Reentry

9.3.1 Pending

While an application for reentry is pending, copies of an authorized Periodicals publication are accepted for mailing at the Periodicals prices, subject to 9.3.5.

[Delete current 9.3.2, Additional Information, in its entirety; the same information is in current 9.3.3.]

[Renumber current 9.3.3 through 9.3.5 as new 9.3.2 through 9.3.4, and revise the text of renumbered 9.3.2 as follows:]

9.3.2 Proof of Compliance

The publisher must be able to show (via circulation and other records) to USPS satisfaction that the reentered publication still meets all Periodicals standards. Failure to provide this evidence is sufficient grounds to deny the reentry request.

* * * * *

9.3.4 Effective Date

[Revise the text of renumbered 9.3.4 as follows:]

An entry office may not be used before authorization by the USPS. A publisher may not pay postage at another price to deposit copies at an unauthorized entry office. Subject to the restrictions in 9.1, the effective date of a reentry authorization is the application date or the eligibility date (if the publication became eligible after the application date). The requested date for a change in original entry office may be deferred until sufficient transportation or other resources are in place. If deferral is due to USPS transportation contract limitations, the publisher's requested date may be approved with the publisher's agreement to reimburse the USPS for costs caused by modifying contracted transportation.

[Delete current 9.3.6, Denial After Verification, in its entirety; the same information is in current 9.3.7.]

[Renumber current 9.3.7 through 9.3.12 as new 9.3.5 through 9.3.10.]

[Revise the title and text of renumbered 9.3.5 as follows:]

9.3.5 Denial

If the PCSC manager denies an application, a written notice of the reasons is provided to the publisher. The denial takes effect 15 days from the publisher's receipt of the notice, unless the publisher files an appeal under 9.3.6 within that time. Alternatively, the publisher may return to the publication status before the application for reentry was submitted.

* * * * *

12.0 Nonbarcoded (Presorted) Eligibility

12.1 Basic Standards

* * * * *

12.3 Prices—In-County

12.3.1 Five-Digit Prices

5-digit prices apply to:

* * * * *

[Add new item 12.3.1c as follows:]

c. Qualifying flats included in a FSS 5-digit scheme pool under 705.14.

* * * * *

12.3.2 Three-Digit Prices

3-digit prices apply to:

* * * * *

[Add new 12.3.2c as follows]

c. Flat-size pieces not qualifying for carrier route or 5-digit prices, but properly included in a FSS 5-digit scheme pool prepared under 705.14.

* * * * *

13.0 Carrier Route Eligibility

* * * * *

13.2 Sorting

* * * * *

13.2.2 Sequencing Requirements

[Revise the introductory text of 13.2.2 as follows:]

Except for flats properly prepared under FSS standards in 705.14, carrier route mail must be prepared in delivery sequence as follows:

* * * * *

13.3 Walk-Sequence Prices

13.3.1 Eligibility

[Revise the text of 13.3.1 as follows]

The high density or saturation prices apply to each walk-sequenced piece in a carrier route mailing, eligible under 13.2.1 and prepared under 705.8.0, 23.0, or (nonletter-size mail only) 705.10.0, 705.12.0, or 705.13.0, that also meets the corresponding addressing and density standards in 13.3.4. High density and saturation price mailings must be prepared in carrier walk sequence according to schemes prescribed by the USPS (see 23.8), except for qualifying high density flats that are properly included in FSS 5-digit scheme pools under 705.14.

14.0 Barcoded (Automation) Eligibility

* * * * *

14.4 Prices—In-County

14.4.17 Five-Digit Prices

5-digit automation prices apply to:

* * * * *

[Add new item 14.4.1c as follows:]

c. Qualifying flats included in a FSS 5-digit scheme pool under 705.14.

* * * * *

14.4.2 Three-Digit Prices

3-digit automation prices apply to:

* * * * *

[Add new item 14.4.2c as follows]

c. Flat-size pieces not qualifying for carrier route or 5-digit prices, but properly included in a FSS 5-digit scheme pool prepared under 705.14

* * * * *

18.0 General Mail Preparation

18.1 Definition of Presort

[Revise the text of 18.1 as follows:]

''Presort'' is the process by which a mailer prepares mail so that it is sorted to at least the finest extent required by the standards.

18.2 Definition of Mailings

''Mailings'' are defined as:

[Revise item 18.2a as follows:]

a. A mailing is a group of pieces within the same class of mail and the same processing category that are sorted together and presented under a minimum volume mailing requirement. Specific standards may define whether separate mailings may be combined, palletized, reported, or deposited together.

* * * * *

[Add a new 18.5 as follows:]

18.5 FSS Preparation

Except for Periodicals flats mailed at In-County prices, Periodicals flats

mailings of 5,000 pieces or less mailed at Outside-County prices, Periodicals flats mailed at saturation, High Density prices, or otherwise excepted Periodicals flats mailings, all Periodicals flats (including nonmachinable flats up to 1-inch thick may be included if they meet the standards in 705.14) destinating to FSS zones as shown in L006, must be prepared under 705.14. Mailings of In-county Periodicals flats, Outside-county Periodicals flats mailings of 5,000 pieces or less, and Periodicals qualifying for High-Density prices may be included in FSS 5-digit scheme pools.

* * * * *

29.0 Destination Entry

* * * * *

29.4 Destination Sectional Center Facility

* * * * *

29.4.2 Price Eligibility

Determine price eligibility as follows:

* * * * *

[Delete the last sentence of the introductory text of 29.4.2b, and delete 29.4.2b1 and b2 in their entirety, so that item b reads as follows:]

b. Container Prices. Mailers may claim the DSCF container price for SCF and more finely presorted containers that are entered at and destined within the service area of the SCF at which the container is deposited.

* * * * *

[Renumber current 29.5. as new 29.6, and add a new 29.5 as follows:]

29.5. Destination Flat Sequencing System (DFSS) Facility Entry

29.5.1 Definition

For this standard, destination Flat Sequencing System Facility (DFSS) refers to the facilities listed in L006, Column C.

29.5.2 Eligibility

DFSS prices apply to pieces deposited at a USPS-designated FSS processing facility and correctly placed in a flat tray, sack, or on a pallet, labeled to a FSS sort plan or labeled to a 5-digit destination processed by that facility, under labeling list L006. These pieces must include a full delivery address and meet the physical standards for FSS-machinability in 705.14.0.

* * * * *

708 Technical Specifications

* * * * *

6.0 Standards for Barcoded Tray Labels, Sack Labels, and Container Placards

* * * * *

6.2 Specifications for Barcoded Tray and Sack Labels

6.2.1 Use

Exhibit 6.2.1 shows the types of mail requiring barcoded tray or sack labels. Barcoded labels must meet these general standards:

* * * * *

[Revise the text of item 6.2.1b as follows:]

b. Mailer-produced barcoded labels must meet the standards in 6.0, and tray labels must be non-adhesive.

* * * * *

6.2.4 3-Digit Content Identifier Numbers

* * * * *

Exhibit 6.2.4 3-Digit Content Identifier Numbers

CLASS AND MAILING.	CIN	HUMAN–READABLE CONTENT LINER

* * * * *

PERIODICALS (PER)

* * * * *

PER Flats —

Merged Carrier Route, Barcoded, and Nonbarcoded

* * * * *

[Add a new third row as follows:]

FSS scheme and FSS facility 349 PER FLTS 5D FSS SCH BC

* * * * *

PERIODICALS (NEWS)

* * * * *

NEWS Flats —

Merged Carrier Route, Barcoded, and Nonbarcoded

* * * * *

[Add a new third row as follows:]

FSS scheme and FSS facility 449 NEWS FLTS 5D FSS SCH BC

* * * * *

STANDARD MAIL

* * * * *

STD Flats —

Merged Carrier Route, Automation, and Presorted

* * * * *

[Add a new third row as follows:]

FSS scheme and FSS facility 549 STD FLTS 5D FSS SCH BC

* * * * *

PACKAGE SERVICES

* * * * *

BPM Flats—Cosacked Barcoded and Presorted

* * * * *

[Add a new second row as follows:]

FSS scheme and FSS facility 638 PSVC FLTS 5D FSS SCH BC

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2013–29879 Filed 12–17–13; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

39 CFR Part 111

New Standards To Enhance Package Visibility

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) to require the use of Intelligent Mail® package barcodes (IMpb) on all commercial parcels, and to require the transmission of supporting electronic documentation including piece-level address or ZIP+4® Code information. Included in these new requirements is a per-piece price adjustment for mailpieces not complying with the IMpb standards. The Postal Service is also adding DMM reference to a future requirement to use a complete destination delivery address or an 11-digit delivery point validated ZIP Code™ in the mailer's electronic documentation.

DATES: *Effective date:* January 26, 2014.

FOR FURTHER INFORMATION CONTACT: Juliaann Hess at 202–268–7663 or Rachel Devadas at 202–268–3881.

SUPPLEMENTARY INFORMATION: The Postal Service takes the next step in the development of its package strategy by enhancing its operational capability to scan Intelligent Mail package barcodes (IMpb) and other extra services barcodes via automated processing equipment and Intelligent Mail scanning devices. Full implementation of the Postal Service's package strategy relies on the availability of piece-level information provided through the use of IMpb.

IMpb offers a number of benefits to mailers by providing piece-level visibility throughout USPS™ processing and delivery operations. Benefits of IMpb use include:

- Access to the best prices for the mailing of parcel products.
- A routing code to facilitate the processing of packages on automated sorting equipment.
- A channel-specific Application Identifier (AI) that associates the barcode to the payment method, supporting revenue assurance.
- A 3-digit service type code, which will identify the exact mail class and service combination, eliminating the need for multiple barcodes on a package.
- An option to use a 6-digit or 9-digit numeric Mailer ID (MID), to accommodate all mailers.
- The ability to nest packages to containers and sacks, increasing visibility for aggregate units as well as packages moving through the network.
- Access to tracking information at no additional charge for most products.
- Access to new products, services and enhanced features.

Mailing standards currently require an IMpb on all commercial parcels, except Standard Mail® parcels, claiming presort or destination-entry prices and all parcels of any class including tracking, and all mailpieces of any shape requesting extra services. The Postal Service now advances its package strategy by implementing new standards requiring an IMpb on all remaining commercial parcels, and requiring the transmission of supporting electronic documentation, including piece-level address or ZIP+4 Code information, to the USPS.

Included in these new requirements is a per-piece price adjustment for mailpieces not complying with the IMpb standards. If approval is granted in response to Postal Regulatory Commission (PRC) Docket No. CP2014–5, this price adjustment will become effective for Competitive products concurrent with the effective date of this Final Rule. In addition, the Postal Service intends to apply the noncompliance price adjustment to Market Dominant mailpieces at a future date, after filing with, and receiving approval from, the PRC.

Background

On January 27, 2013, the Postal Service implemented the initial phase of its package strategy by requiring IMpb use, including use of version 1.6 of the electronic Shipping Services File, for all commercial parcels (except Standard Mail parcels) claiming presort or destination-entry pricing and all mailpieces including a trackable extra service.

On February 26, 2013, the Postal Service published a **Federal Register**, advanced notice of proposed rulemaking (78 FR 13006–13007) in which it announced its intention to require an IMpb on all remaining commercial parcels.

On July 11, 2013, the Postal Service published a proposed rule in the **Federal Register** (78 FR 41721–41731) to announce its proposal to require an IMpb on all commercial parcels and to require the transmission of supporting electronic documentation including piece-level address or ZIP+4 Code information. In addition, the Postal Service proposed to implement compliance thresholds for IMpb requirements and to assess a per-piece price adjustment for non-compliant pieces. The Postal Service received comments in response to this proposed rule, which are summarized later in this notice.

General IMpb Requirements

Technical and general specifications for IMpb use are provided in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for: Confirmation Services and Electronic Verification System (eVS) Mailers,* and DMM 708.5.1. Mailing standards require mailings of mailpieces bearing an IMpb to:

1. Use a unique tracking barcode, prepared in accordance with DMM 708.5.1, on each mailpiece,
2. Be accompanied by a version 1.6 of the electronic Shipping Services File (or subsequent versions) including required data elements, and to
3. Include the correct destination delivery address or ZIP+4 Code for each record in the Shipping Services File.

The Postal Service will now require an IMpb on all commercial parcels. For the purposes of this notice, commercial parcels are defined as any item meeting the physical description of a parcel in DMM 401, or a Priority Mail Express™ or Priority Mail® piece of any shape, size, or price category entered through any commercial channel. This includes pieces with postage paid by permit imprint, postage meter, PC Postage® or precanceled stamps, and would include pieces paying postage through the Official Mail Accounting System (OMAS) and franked mail. All parcels mailed at Commercial Base® or Commercial Plus® prices will also be required to bear an IMpb. The Postal Service considers PC Postage stamp products to be similar to imprints generated by postage meter systems. As a result, mailpieces bearing postage paid by PC Postage stamp products will generally be subject to the same IMpb requirements as those applicable to mailpieces bearing postage meter imprints. As provided in the July 11, 2013 proposed rule, parcels paid at the retail price and inducted through a retail transaction, Periodicals parcels, and Standard Mail Marketing parcels sent as product samples that bear a simplified address or those that use a detached address label (DAL) would not be required to bear an IMpb. Priority Mail letters and flats using stamps for postage payment and mailpieces using Priority Mail Forever Prepaid Flat Rate packaging will also not be subject to IMpb requirements.

The Postal Service will allow, with USPS approval, domestic Priority Mail letters and flats that are prepared in a high-speed environment to use an Intelligent Mail barcode (IMb™) in lieu of an IMpb provided each of these pieces bear a unique IMb, that cannot be reused for 45 days, and are supported by Mail.dat or Mail.XML electronic documentation. Mailers should note that mailpieces entered under this authorization must not include any extra service, including USPS Tracking™. However, mailers should also note that Priority Mail pieces entered under this exception will not be eligible for automatic insurance coverage. Mailers interested in obtaining authorization under this process can contact USPS Shipping Information Systems at *IMPB@usps.gov.*

The Postal Service expects to implement an exception process for Bound Printed Matter (BPM) parcels and Priority Mail that would allow mailers to use Mail.dat instead of Shipping Services File version 1.6 or higher. This exception process will be tied to the scheduled upgrades to USPS systems that will allow for this functionality. These upgrades are expected to be completed by November 2013 for BPM and in April 2014 for Priority Mail. Once implemented, BPM and Priority Mail parcel mailers using Mail.dat may use this file format to submit electronic documentation to the Postal Service to fulfill their IMpb documentation requirements. The use of Mail.dat will not be authorized when mailers ship products and services that exclusively require use of Shipping Services File version 1.6 or higher.

The Postal Service anticipates that the majority of mailers will be prepared for the transition to general IMpb use by the January 26, 2014 implementation date. As a result, the Postal Service expects a limited need for exceptions to the basic

IMpb requirements. Requests for exceptions will be evaluated on a case-by-case basis. Mailers requesting an exception must provide a plan to assure compliance with standards within a defined timeframe. Beginning on January 26, 2014, any such requests must be directed to the Vice President of Sales for consideration.

Destination Delivery Addresses

The Postal Service will require all parcels required to include an IMpb to be accompanied by a complete destination delivery address in the Shipping Services File. This information is critical to the Postal Service package strategy, specifically the implementation of dynamic routing processes and processes to enable package distribution without scheme-trained employees. Effective January 25, 2015, mailers must include the complete destination delivery address or an 11-digit ZIP Code (validated by USPS delivery point validation (DPV®) system, or an approved equivalent) in their Shipping Services File, or other approved electronic documentation. For the purpose of the standard, the Postal Service will require a complete delivery address to include:

- Addressee name or other identifier and/or firm name, when needed to support the requirements of an Extra Service (e.g. Adult Signature, Restricted Delivery service, etc.). Inclusion of the addressee name is strongly encouraged for all products.
- Private mail box designator and number (PMB 300 or #300).
- Urbanization name (Puerto Rico only, ZIP Code prefixes 006 to 009, if area is so designated).
- Street number and name (including predirectional, suffix, and postdirectional as shown in USPS ZIP+4 Product for the delivery address or rural route and box number (RR 5 BOX 10), highway contract route and box number (HC 4 BOX 45), or Post Office box number (PO BOX 458), as shown in USPS ZIP+4 Product for the delivery address). (''PO Box'' is used incorrectly if preceding a private box number, e.g., a college mailroom.)
- Secondary address unit designator and number (such as an apartment or suite number (APT 202, STE 100)). Note that when secondary address elements are used, these elements must be included in the same field of the Shipping Services File as that used for the primary address elements.
- City and state (or authorized two-letter state abbreviation). Use only city names and city and state name abbreviations as shown in USPS City State Product. (City and state is not required when the correct ZIP Code is provided in detail 1 record of Shipping Services File version 1.7 or 2.0.)
- Correct 5-digit ZIP Code or ZIP+4 Code. If a firm name is assigned a unique ZIP+4 code in the USPS ZIP+4 Product, the unique ZIP+4 Code must be used in the delivery address.

Returns

The Postal Service will require a unique IMpb on all parcels using a Merchandise Return Service (MRS) label. The USPS will continue to provide a cloud-based application to allow less sophisticated permit holders to generate unique IMpb-compliant MRS labels with a minimal level of technological capability and software support. This tool is expected to adequately assist MRS permit-holders and their customers in the generation of IMpb-compliant labels. Except for permit holders using MRS as part of a PC Postage-based returns solution, MRS permit holders will not generally be required to submit shipping manifests to support these mailpieces. MRS labels will be required to use a concatenated IMpb construct that includes the ZIP+4 routing code. To assure that mailers have adequate time to prepare their systems and to notify their customers, the Postal Service will provide an extended transitional period for this new requirement until July 27, 2014.

The Postal Service is also eliminating the option for any mailpiece meeting the physical characteristics of a parcel in DMM 401 to include postage paid by Business Reply Mail® (BRM). Over time, BRM service has evolved into a product that is operationally aligned to accommodate cards, letters and flats. As a result, BRM is no longer an ideal product for use with parcel-shaped mailpieces. BRM permit holders who routinely receive parcel-shaped BRM returns will be required to discontinue this practice and to transition to MRS or a USPS Returns product for their parcel returns. The Postal Service will provide a 12-month transitional period until January 25, 2015, to allow mailers to obtain a MRS or USPS Returns permit. The Postal Service will file notice with the Postal Regulatory Commission (PRC) of its intent to modify the Mail Classification Schedule to reflect this change.

Priority Mail Express

The Postal Service will generally require all Priority Mail Express pieces entered through any commercial channel to be IMpb-compliant. This requirement would exclude Priority Mail Express pieces entered as part of a retail transaction, those mailpieces with postage paid through a postage meter imprint and using a Label 11–B, and those entered under a Priority Mail Express Manifesting Agreement (EMM) system with postage paid by a USPS Corporate Account (USPSCA). However, Priority Mail Express pieces with postage paid through a postage meter imprint and using a Label 11–B will not be eligible for Commercial Base or Commercial Plus pricing. As announced in the July 11, 2013, proposed rule, at a future date, the Postal Service expects to transition EMM mailers to the Electronic Verification System (eVS®), including an IMpb-compliance requirement. The Postal Service is signaling its intention to require eVS for EMM systems and anticipates publishing the applicable standards in the 2014 calendar year.

Standard Mail Parcels

The Postal Service will require all Standard Mail Marketing parcels (including those paid at nonprofit prices) and all Nonprofit Standard Mail parcels to bear an IMpb, or a unique IMb. Regular and Nonprofit Standard Mail parcels mailed as product samples under DMM 443.6.0 would also be required to bear an IMpb or a unique IMb, with the exception of those using detached address labels (DAL) and those bearing simplified addresses. The Postal Service will also offer an option to use an IMb in lieu of an IMpb for all Standard Mail parcels which are presorted and containerized in 5-digit sacks or other approved containers prepared to the 5-digit level. When the IMb option is selected, each parcel must bear a unique IMb that cannot be reused for 45 days. In situations where the IMb is used in lieu of the IMpb, a Mail.dat or Mail.XML file will be accepted in lieu of a Shipping Service File.

Mailers requesting USPS Tracking service with Standard Mail parcels will continue to be assessed the electronic fee. Mailers will also have the option of affixing an IMpb-compliant mail class only tracking barcode to their Standard Mail parcels at no charge. Under either of these IMpb options, mailers must use version 1.6 or higher of the Shipping Services File, including required data elements, and must include the destination delivery address or ZIP+4 Code in the file.

Although Standard Mail parcels will be required to meet the IMpb requirements effective January 26, 2014, mailers will be provided an extended transitional period until July 27, 2014, to allow additional time for mailers to modify their systems to prepare for these new requirements. During this transitional period noncompliant

Standard Mail pieces will not be subject to a monetary noncompliance fee.

Package Services

The Postal Service will require all commercial BPM, Media Mail® and Library Mail parcels to bear an IMpb. When Media Mail and Library Mail parcels are entered at retail, pay the retail price and are entered through a retail transaction the Postal Service will apply an IMpb-compliant barcode, if one is not already affixed. Mailers requesting USPS Tracking service for their Package Services parcels would continue to be assessed the electronic fee. Mailers would also have the option of affixing an IMpb-compliant mail class only tracking barcode to their Package Services mailpieces at no charge.

The Postal Service is also clarifying the DMM to specify that BPM pieces including USPS Tracking may also bear an exceptional address format.

Similar to the IMpb compliance process for Standard Mail parcels, Package Services parcels will also be required to meet the IMpb requirements effective January 26, 2014, but will also be subject to an extended transitional period until July 27, 2014, to allow additional time for mailers to modify their systems. Noncompliant Package Services pieces will also not be subject to a monetary noncompliance fee during the transitional period. The Postal Service acknowledges delays in implementing enhancements to translate Mail.dat files to Shipping Services files impacted some mailers' ability to change their systems to meet IMpb requirements and is therefore affording this extended transitional period.

Postage Meters

The Postal Service will require all parcels bearing metered postage to bear a unique IMpb, meet the Shipping Services File requirements, and to include the correct destination delivery address or ZIP+4 Code for each record in the file to be eligible for commercial plus or commercial base pricing. To support the less sophisticated meter mailers, the Postal Service will continue to provide pre-printed IMpb-compliant labels to mailers who are unable to print their own labels. A special version of the IMpb label will be made available to customers who ship parcels but do not use a postage meter capable of transmitting electronic manifest and address information. This special version of the IMpb label does not qualify for commercial plus or commercial base pricing, or automatic insurance for Priority Mail (unless accompanied by acceptance information); however use of these preprinted USPS labels or other IMpb-compliant barcodes will be a requirement for eligibility to ship USPS parcel products.

To afford meter mailers who currently receive commercial base pricing additional time to prepare for this new requirement, the Postal Service will provide a transitional period for these mailers until January 25, 2015. Effective January 25, 2015, meter mailers must meet all IMpb requirements to qualify for commercial base prices. After January 25, 2015, meter mailers unable to comply with these requirements may continue to mail at retail prices, but must affix a USPS tracking label (Special IMpb or Label 400) other IMpb-compliant label to each mailpiece. However, these mailers will not be required to transmit a Shipping Services File for mailpieces paid at retail prices. Whether claiming commercial or retail prices, postage meter mailers must affix preprinted USPS labels or other IMpb-compliant barcodes as a requirement for eligibility to ship USPS parcel products using a postage meter. However, Priority Mail pieces must include Priority Mail IMpb shipping labels or those special IMpb labels supported by a Shipping Services file to qualify for automatic insurance.

Metered Priority Mail pieces using IMpb labels that are not supported by a Shipping Services file must have a full acceptance scan at a retail location in order to qualify for automatic insurance coverage.

Use of Non-IMpb Barcodes

As stated in the July 11, 2013 proposed rule, the Postal Service has implemented a process to allow mailers to temporarily use unique tracking barcodes, prepared in a legacy format, on parcels and mailpieces that include extra services. Any such authorization would be granted via an exception process. Mailers requesting an exception must be able to demonstrate their ability to transmit piece-level documentation to the Postal Service through a Shipping Services File and to include a destination delivery address or ZIP+4 code for each record in the file. These exceptions are intended to provide additional time, when needed, to transition to the use of IMpb. Requests for exceptions must be directed to the Vice President of Sales. All mailers must be fully IMpb-compliant, including use version 1.6 or higher of the Shipping Services File, by January 25, 2015.

Effective July 28, 2013, the Postal Service provided automatic insurance coverage, at no additional charge, on domestic Priority Mail pieces bearing an IMpb. Mailers should note that Priority Mail pieces bearing barcodes prepared in the legacy format are not eligible for automatic insurance coverage.

Electronic Documentation

In response to input from the mailing industry, the Postal Service will modify the requirements described in the July 11, 2013, proposed rule relative to the identification of the mail owner, mailing agent By/For relationship. After consultation and discussion with multiple industry groups, mailers, and other stakeholders, the Postal Service will strongly encourage, but not require, mailing agents (mail service providers and consolidators) to include information in their electronic documentation that identifies both the mailing agent and mail owner (i.e. By/For mailing relationship) for all mailings made on behalf of mail owners who mail, or are expected to mail, more than 7,500 parcels per year. As part of past and current visibility initiatives, onboarding processes, and payment programs, the Postal Service notes that package mailing agents generally provide By/For information at a relatively high level. In recognition of this fact and in consideration of its recent discussions with the mailing industry, the Postal Service now believes it to be mutually beneficial to work collaboratively toward maintaining and improving the level of disclosure of By/For relationships without introducing formalized requirements and compliance enforcements. The Postal Service is generally pleased with the progress made in providing this information for package mailings.

Going forward, the Postal Service expects By/For identification to continually improve for all mailing agents, and will monitor each mailing agent's performance to ensure the level of disclosure of the mail owner information consistently increases towards the thresholds provided in this **Federal Register** Notice for Shipping Services File versions 1.6 or higher. The Postal Service intends to examine the progress of disclosure of the By/For information 6 months following the implementation of this final rule. In the event the level of By/For disclosures degrades below these thresholds, the Postal Service will consider making By/For information a compliance requirement.

When mailing agents make mailings on behalf of one or more clients (mail owners) the Postal Service expects agents to continue to make requests for a unique mailer ID (MID) for each client

to designate package ownership. Both eVS and non-eVS mailing agents are to use this process to assign a unique MID for each client. This unique MID will be used exclusively for that client, for mailings with that particular mailing agent, and shall not be reassigned to other clients.

In addition, mailing agents may include a unique Customer Registration ID (CRID) for the mail owner in the electronic documentation to identify By/For relationships. Fields are provided in Shipping Services File version 1.6 or higher, Mail.dat and Mail.XML for this purpose.

However, the Postal Service will require mail owners who claim commercial plus prices or Nonprofit Standard Mail prices and mail owners of parcels containing hazardous material to disclose the By/For mailing relationship regardless of volume.

The Postal Service defines these entities as follows:

- *Mail Owner:* The mail owner is the business entity, organization, or individual who makes business decisions regarding the parcel or mailpiece content, directly benefits from the mailing, and ultimately pays for postage on the mailpiece directly or by way of a mailing agent.
- *Mailing Agent:* The mailing agent is a business entity, consolidator, organization, or individual acting on behalf of one or more mail owners by providing mailing services for which the mail owners compensate the mailing agent. A business entity, organization, or individual whose services define it as a mailing agent may also be considered a mail owner, but only for its own mail or the mail of its subsidiaries. Mailing agents include, but are not limited to parcel consolidators, printers, address list providers/managers mail preparers, postage payment providers, mailing logistics providers, mailing tracking providers, ad agencies, and mailing information managers.

Conforming Mailer Identification Numbers

Mailers using an IMpb will be required to use a conforming MID. Mailers who are not currently compliant with this requirement must obtain and use a conforming MID as soon as possible and must use a conforming MID by January 26, 2014.

A MID is considered to be compliant when the following requirements are met:

- A conforming six-digit MID must begin with 0 through 8.
- A conforming nine-digit MID must begin with 9.

Questions in regard to converting to conforming MIDs may be directed to the National Customer Support Center (NCSC) by calling 877–264–9693 and selecting option 3 or by sending an email to *IMpb@usps.gov.*

Shipping Services File

Electronic documentation requirements in support of IMpb include the use of Shipping Services File version 1.6 or higher, identifying serialization of each parcel or trackable Extra Services mailpiece supported by the file and destination delivery address information or accurate ZIP+4 code for each record in the file. Shipping Services Files must be transmitted to the Postal Service prior to the physical presentation of the mailing for acceptance. Mailers will be required to correctly populate Shipping Services electronic manifest files with the piece level detail information that describes the parcels and mailpieces being shipped. Furthermore, to simplify the processing and coding requirements for mailers, the Postal Service itself and software vendors, the rules for populating fields (e.g. required versus optional fields, defaults, content values) in file type 2 will now be the same as for file type 1. Mailers can reference Publication 199 for details on Shipping Services Files Types 1 and 2.

In addition to accurate piece level information, the proper definition of the mailing By/For relationship and the use of a conforming MID, Shipping Services Files include, but are not limited to, the following fields:

- *Transaction ID* (TID). This is a unique 12-digit number assigned to associate Shipping Services File manifests to file transmissions. The TID must also be included on the Postage Statement and must match the Shipping Services manifest file for the corresponding mailing. The TID field must follow the format of YYYYMMDD####, where YYYY is the year, MM is the month, DD is the date of mailing, and '####' is the numeric sequence number to support multiple postage statements on the same day. For example, TID 201311130001 represents the first postage statement created for November 13, 2013.
- *Payment Account number.* This is the USPS account number from which the mailing will be paid.
- *Method of payment.* This is the approved payment method (permit imprint, postage meter, PC Postage, OMAS, franked mail and stamps) for the mail being entered.
- *Post Office of Account.* This is the 5-digit ZIP Code of the Post Office™ issuing the permit number, meter license, or precanceled stamp, and should agree with the information on the postage statement. The Transaction ID (TID) in conjunction with the Payment Account Number, Method of Payment, and Post Office of Account, enable the Postal Service to calculate IMpb compliance for each mailing at the postage statement level. If any of these fields are missing or inaccurate, an IMpb compliance fee will be assessed for each competitive product mailpiece.

Electronic Nesting Data

As stated in the July 11, 2013 proposed rule, the Postal Service will strongly encourage, but not require, mailers to provide an electronic association between IMpb piece-level record and Intelligent Mail tray labels and/or Intelligent Mail container placards. However, the Postal Service may require these electronic associations for certain products, price categories or value added services. Technical requirements for the electronic association of parcels to containers will be provided in Publication 199.

Noncompliant Mailpieces

The Postal Service will adopt the recommendations of the mailing industry, and will implement a schedule of gradually increasing compliance thresholds for mailings including mailpieces without IMpb-compliant barcodes, without a compliant destination delivery address or ZIP+4 code in the electronic documentation for each mailpiece or not supported by an approved Shipping Services File (or a Shipping Services File with missing or erroneous data elements), or authorized alternative documentation and will implement a per-piece price adjustment for non-compliant pieces. The Postal Service will apply these compliance thresholds at the manifest level for PC Postage and postage meter mailings, and at the postage statement level for permit imprint or precanceled stamp mailings. A new sampling procedure for barcode evaluation will be added to the current acceptance process for the purpose of evaluating compliance with these new barcode thresholds. Barcode and file compliance will be measured against the specifications defined in Publication 199. Each record in Shipping Services Files will be subject to data evaluation for file version and required elements within the file. Assessments for non-eVS packages are expected to be due at the time of mailing. eVS mailers will be assessed monthly for non-compliant mailpieces in excess of the established thresholds. For any mailing, compliance

can be calculated separately for each of the three compliance categories. MRS and other returns mailpieces will be sampled for compliance under these new compliance thresholds at the facility where the pieces are rated and/or prepared for shipment to the permit holder. When a mailing fails more than one compliance category, a per-piece price adjustment will be assessed against the category yielding the highest number of noncompliant pieces. Noncompliant pieces will be assessed the per-piece price adjustment only once, even when failing more than one compliance category. The Postal Service will enforce compliance thresholds as follows:

Compliance category	January 2014 (%)	July 2014 (%)	January 2015 (%)
Unique Trackable Barcode	98	99	99
Destination Delivery Address or ZIP+4 Code in the File	93	95	*98
Shipping Services File 1.6 or Higher, Including Required Data Elements	90	95	97

* Destination delivery address or 11-Digit DPV ZIP Code required effective January 25, 2015.

For competitive products (i.e. Priority Mail Express, Priority Mail, First-Class Package Service® and Parcel Select®), the Postal Service will implement the thresholds and per-piece price adjustments described above for noncompliant pieces. In conformance with the recently filed competitive price case (PRC Docket No. CP2014–5) the Postal Service will begin enforcement of the thresholds and per-piece price adjustments on January 26, 2014.

For market-dominant products (i.e. First-Class Mail® parcels, Standard Mail parcels, and Package Services parcels), the Postal Service intends to apply the thresholds and noncompliance price adjustment to Market Dominant mailpieces at a future date, after filing with, and receiving approval from, the PRC. Regulatory review will take up to 45 days from the date of that filing. The proposed effective date for the per-piece price adjustments for Market Dominant products will be predicated on the PRC's decision.

Hazardous, Perishable and Restricted Materials

Effective January 26, 2014, mailers inducting parcels containing mailable hazardous material or mailable live animals will be required to include an indicator in the appropriate field of the Shipping Services File, or other authorized electronic documentation, identifying each applicable mailpiece as containing either hazardous material or live animals. MRS and other returns mailpieces containing hazardous materials will be required to bear a unique IMpb barcode, including a specific 3-digit service type code specifying the class of mail and identifying the mailpiece as containing hazardous material. For the purposes of this requirement mailpieces containing hazardous material would include any package containing material requiring hazardous material markings, requiring special packaging, contents limitations or transportation restrictions provided for in DMM 601 or Publication 52, *Hazardous, Restricted or Perishable Mail.* Mailers will be provided an extended transitional period until July 27, 2014, to allow additional time for mailers to modify their systems for these new requirements.

The Postal Service has also developed similar identifying indicators to provide enhanced visibility of shipments containing cremated remains. Mailer use of the cremated remains indicators is strongly recommended, but will not be required.

Certified Mail and Registered Mail Service

In response to feedback from the mailing industry, the Postal Service will not adopt its proposal to limit Certified Mail® service to use with only First-Class Mail. Effective July 27, 2014, the Postal Service expects to provide a new option for mailers to combine restricted delivery service with Signature Confirmation™ service. The combination of restricted delivery service with Signature Confirmation service will provide an option for mailers to restrict delivery of Priority Mail, First-Class Package Service, Package Services, Standard Post and Parcel Select pieces without also having to purchase insurance for more than $200 to obtain this service.

The Postal Service will also provide a transitional period for IMpb compliance with Certified Mail and Registered Mail ™ until January 25, 2015. This transitional period will provide additional time for mailers to prepare their systems, change label and envelope stock and deplete their inventories of preprinted forms.

The Postal Service expects to provide new Registered Mail and Certified Mail ''banner only'' labels for mailer use early in the 2014 calendar year. These ''banner only'' labels will help identify these specific products when used in an IMpb-compliant barcode format, and will meet USPS mailing standards for privately printed forms when used as specified.

Comments and USPS Responses

The Postal Service received a total of eight comments in response to the July 11, 2013, **Federal Register** proposed rule, with some comments addressing more than a single issue. In general, commenters relate concern with the penalties for noncompliance and the policies relating to the electronic transmission of Shipping Services Files. These comments are summarized as follows:

Noncompliance Adjustments and Thresholds

Comment: Several commenters state that both the starting and ending compliance thresholds provided in the proposed rule are unrealistically high and are arguably unachievable by industry. These commenters request more liberal thresholds.

USPS Response: Many mailers are currently meeting or exceeding the January 2014 IMpb compliance thresholds communicated in the July 11, 2013, proposed rule, and others are rapidly closing their compliance gaps. However, in response to mailer concerns, the Postal Service has revised the January 2015 threshold levels. In addition, the Postal Service will provide an extended transitional period for IMpb compliance for all Market Dominant parcels until July 27, 2014. This extended transitional period will afford mailers of market dominant parcels more time to prepare their systems and to take advantage of USPS enhancements that support Mail.dat file conversion to Shipping Services Files.

Comment: A commenter states that ad hoc reports are not available on a basis consistent enough to allow mailers to determine if they are meeting compliance thresholds. This commenter asks how the USPS will prove noncompliance and how will the USPS will be able to determine if noncompliance results from a failure on the part of the mailer or from some USPS related problem.

USPS Response: The Postal Service recognizes that adhoc reports could have been provided on a more consistent basis. In November 2013, the Postal Service will be enhancing its systems to measure compliance for each record transmitted through Shipping Services Files or received in scan event data. These enhancements will identify pieces that fail to meet IMpb requirements at the record level. Mailers not entering parcels under an approved exception will automatically receive compliance performance feedback in the context of Confirmation Error/Warning reports. In addition, new Scan Event Extract file versions will be available in November 2013. These optional, upgraded versions of the Scan Event Extract file provide new data fields with IMpb compliance results at the piece level.

The Postal Service will also implement processes to mitigate file receipt and posting delays that may be caused by system issues. The Postal Service will continue to work with mailers to improve file transmission timeliness. In addition, the Postal Service has provided a new option to advance electronic package level detail address information earlier in the creation/fulfillment process through the new Shipping Partner Event File Version 3.0. This option is available to mailers who want to send address information at earlier stages in the order/fulfillment process where this information is initially captured.

Comment: A commenter asks what the noncompliance per-piece price adjustment will be for January 2014.

USPS Response: The Postal Service expects to provide a per-piece price adjustment for IMpb noncompliant competitive products effective January 26, 2014. If this adjustment factor is implemented as expected, the price will be included in the **Federal Register** notice announcing the 2014 prices for competitive products. This **Federal Register** notice is expected to publish in November 2013.

Comment: A commenter suggests that the Postal Service set penalties for noncompliance at a price reasonably related to the cost of the work required by the Postal Service to handle these noncompliant pieces, and specifically suggests that the original industry thresholds as recommended by the Task Team (TT #19) be adopted for the January 2014 implementation.

USPS Response: The IMpb Compliance Fee is intended to be reflective of the work required to apply barcodes and capture piece level detail information about parcels failing to meet IMpb requirements. The compliance thresholds will be set at the levels described earlier in this **Federal Register** notice. Although several key recommendations from MTAC Task Team #19 were adopted, including the concept of using compliance threshold levels, the numerical values for those thresholds were not adopted.

Meter Users

Comment: Several commenters request that the Postal Service clarify its intent with regard to postage meter mailers. These commenters ask whether payment by postage meter will be an option for packages in the future, and if the Postal Service plans to develop a special IMpb label for postage meter mailers. These commenters further suggest that the Postal Service develop a methodology that can accommodate postage meter customers and that provides an IMpb option that is not predicated on the entry of a 9- or 11-digit zip code.

USPS Response: The Postal Service will continue to allow mailers to use meters to pay postage for parcels. However, this Final Rule will require all metered parcels to bear an IMpb barcode. The Postal Service is developing a new version of the IMpb specifically for postage meter mailers that will be available to mailers by January 26, 2014. These labels will be made available both through meter venders and the Postal Service at no additional charge. Effective January 25, 2015, postage meter mailers who are unable to meet all IMpb requirements, including transmission of electronic documentation and use of a complete destination delivery address or DPV 11-digit ZIP Code, will not be eligible for Commercial Base or Commercial Plus pricing but will be allowed to ship parcels that bear IMpb barcodes at retail prices, when these pieces bear a USPS tracking label (Label 400) or other IMpb-compliant label.

Comment: Three commenters requested clarification on how to create a Shipping Services file when using a postage meter and what Mailer ID would be used when affixing metered postage to a package.

USPS Response: Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for: Confirmation Services and Electronic Verification System (eVS) Mailers,* provides information on how to create and transmit Shipping Services electronic manifest files to USPS. The Mailer ID (MID) used in the barcode may be either that of the meter vendor or the mail owner. Of equal importance for meter users is the two-digit Source ID which is uniquely assigned to meter, online, and PC Postage vendors. This two-digit code must also be included in the barcode to identify the respective vendor. Unless otherwise required, a unique MID identifying the mail owner should generally be provided when the mail owner ships more than 7,500 parcels per year, without regard to the method of postage payment used. However, mailers claiming Commercial Plus Pricing must use a unique MID to identify the mail owner.

Comment: One commenter requests clarification of when a mailer using detached address labels (DALs) will be required to meet the new IMpb standards.

USPS Response: Parcels using DALs in compliance with DMM standards are not subject to IMpb requirements.

Certified Mail

Comment: Three commenters expressed concern with the proposal to limit Certified Mail to First-Class Mail only. These commenters request the Postal Service to ensure that a comparable set of services are available for Priority Mail pieces that today use the Certified Mail service, and that these services provide the same acceptable capabilities and options as Certified Mail service.

USPS Response: The Postal Service will continue to offer Certified Mail service for use with Priority Mail pieces. The Postal Service will proceed with the enhancement to Signature Confirmation service to include Restricted Delivery.

Comment: Several commenters state that the Postal Service should communicate details regarding the specific requirements for the proposed use of Certified Mail and Registered Mail Service. These commenters ask if there is an alternate method to replace the function of Certified Mail service for packages.

USPS Response: Registered Mail and Certified Mail users are required to meet IMpb requirements, including the use of electronic documentation and the inclusion of the destination delivery address or ZIP+4 Code (or an 11-digit delivery point validated ZIP Code effective January 25, 2015). These mailers will be provided with an extended transitional period until January 25, 2015 to prepare their systems to comply with IMpb requirements. During this transitional period, mailers may continue to use barcodes prepared in legacy formats.

Comment: One commenter asks if the Postal Service plans to provide a green Certified Mail indicator label that can be used in conjunction with an IMpb shipping label. This commenter asks if mailer-generated shipping labels will be

required to be nearly identical in design and color as PS Form 3800, or to have an additional green label affixed and if these labels must be placed at the top of the mailpiece, similar to the requirements for the use of Certified Mail labels today. This commenter also asks if the proposed standards will impact a vendor's ability to create privately-printed Certified Mail labels.

USPS Response: The Postal Service expects to distribute Registered Mail and Certified Mail banner only labels during the 2014 calendar year. These labels can be used on mailpieces where the barcode is printed on a shipping label or location other than near the top edge of a mailpiece. These labels will allow for greater visibility of Registered Mail or Certified Mail articles, while also allowing the barcode to be placed in a location separate from the applicable colored label. Mailer-generated labels are required to be nearly identical in design and color to their corresponding Extra Service retail labels; however Registered Mail or Certified Mail banner only labels may be used to fulfill this requirement when used in conjunction with IMpb shipping labels. Vendors are allowed to continue to create their own labels; however IMpb requirements must be met.

Commercial Mail Pieces at Retail Prices

Comment: One commenter states that the Postal Service should specify whether or not the proposed standards would require commercial parcels paying postage at retail prices to have a corresponding record in the Shipping Services File, including a valid ZIP+4 or delivery address information.

USPS Response: Generally, all commercial parcels are required to meet IMpb standards, including those mailed at retail prices. This requirement will be modified for parcels using postage meter imprints, provided these mailpieces bear label 400 or a similar IMpb-compliant barcode.

Comment: One commenter asks why retail-priced parcels included in a commercial mailing would be required to meet additional requirements above and beyond that required for similarly prepared priced and processed retail parcels.

USPS Response: All mailers and their customers will benefit from the visibility and additional features provided by a fully IMpb barcoded package environment. Parcels presented at retail will have an IMpb applied as part of the retail transaction. Therefore, mailers unable or unwilling to present parcels as part of a retail transaction will be required to meet IMpb standards.

Communication Plans

Comment: One commenter requests the Postal Service to improve its communication plans. This commenter states that communication plans should be both coordinated and collaborative in order to mitigate the impact of these new requirements on mailers.

USPS Response: The Postal Service plans to increase and better target its communications and outreach efforts regarding IMpb implementation and its timing through all available channels. The Postal Service plans to collaborate with its shipping partners and industry to communicate requirements in this regard.

Shipping Services File Transmission

Comment: Several commenters request the Postal Service to make accommodations to avoid adjustments, and to ensure parcels are processed expeditiously, when Shipping Services Files are unavailable. With regard to the timing for transmittal of electronic documentation, these commenters state that allowances must be made to account for system outages, either on the USPS or mailing industry side. These commenters request the Postal Service to recognize that system outages do occur and ensure that penalties are not charged for system outages beyond a shipper's control. These commenters specifically ask what the Postal Service will do when the Shipping Services File is not yet available for a parcel mailing already in acceptance and ready for processing and delivery. These commenters state that there should be some kind of mitigation policy to offset or remove the fees when the noncompliance is not the fault of the shipper.

USPS Response: The Postal Service will evaluate the specific circumstances of late arriving Shipping Services files on a case-by-case basis. Mailers submitting late files through no fault of their own will generally be accommodated.

Comment: One commenter asks if the Postal Service will hold packages until the Shipping Services File is received or will it proceed with the sortation and delivery of the mailing.

USPS Response: Although Postal Service processes are dependent on the receipt of Shipping Services files prior to the actual arrival of the mailpieces, the Postal Service will make every effort to process parcels in an operationally effective manner. The Postal Service response in these situations may vary according to particular circumstances of the case and the resources available to the Postal Service at the time of the occurrence.

Comment: One commenter requests clarification as to what was meant by the statement ''to simplify the requirements to populate the field'' with regard to populating the fields within the Shipping Services File.

USPS Response: The Postal Service currently uses different business rules for processing type 1 and type 2 Shipping Services files. Furthermore, to simplify the processing and coding requirements for mailers, the Postal Service itself and software vendors, the rules for populating fields (e.g. required versus optional fields, defaults, content values) in file type 2 will now be the same as for file type 1. Mailers may reference Publication 199 for details on Shipping Services Files, type 1 and type 2.

Electronic Documentation

Comment: One commenter states that there should be symmetry in how the Postal Service will require the identification of the mailing agent/mail owner relationship for IMb and IMpb mailings. This commenter states that currently the processes relating to IMb and IMpb mailings are disconnected.

USPS Response: The Postal Service recognizes that the business model for package mailers is typically different from that for mailers of letters and flats. In response and after consultation with customers, industry groups, and stakeholders, the Postal Service has modified the By/For disclosure process for parcel mailers. The Postal Service will strongly encourage and work with mailing agents (mail service providers and consolidators) to include information in their electronic documentation that identifies both the mailing agent and mail owner (i.e. By/For mailing relationship) for all mailings made on behalf of mail owners who are expected to mail more than 7,500 parcels per year. As part of past and current visibility initiatives, onboarding, and payment programs, package mailing agents already provide By/For information at a high level. Given this information and discussions, it is in our mutual best interest to collaboratively work toward provision of By/For relationships without adding more requirements, rules and compliance enforcements. In addition, mailers who claim commercial plus pricing (CPP) or Nonprofit Standard Mail prices and the mail owners of parcels containing hazardous material must disclose the By/For relationship regardless of volume.

Comment: One commenter requests the Postal Service to change the requirements for IMpb and allow either a Mailer ID (MID) or customer

registration ID (CRID) to identify the mail owner/mailing agent relationship in the electronic documentation. This commenter states that this change is important for Mail.dat applications.

USPS Response: In response to this and other comments, the Postal Service will provide an option for mailing agents to include a unique Customer Registration ID (CRID) for the mail owner in the electronic documentation on an exception basis. Exception requests must be submitted to the Vice President of Sales. Submit exception requests to *IMpb@usps.gov.*

Comment: One commenter suggests that the Postal Service follow the model set by letters and flats mailings, following an order of precedence to allow fields (CRID and MID) available in the eDocumentation to identify Mail Owner. When the CRID field is populated it would take precedence over the Mailer ID in the piece barcode. This commenter states that this approach would provide greater functionality and flexibility to mailers, and establish consistency among USPS product lines.

USPS Response: As mentioned in response to a previous comment, the Postal Service will provide an option for mailing agents to include a unique Customer Registration ID (CRID) for the mail owner in the electronic documentation on an exception basis. Exception requests must be submitted to the Vice President of Sales. Submit exception requests to *IMpb@usps.gov.*

Comment: One commenter suggests that if the Postal Service insists on collecting By/For information in connection with IMpb use, they should keep the same requirements for IMpb as for Full Service IMb.

USPS Response: As previously discussed, the business model for package mailers is generally dissimilar from that of letters and flats mailers. As a result of consultations with the industry, the Postal Service will strongly encourage and work with service providers to identify By/For relationships for customers shipping 7,500 pieces per year. In addition, an exception process will be implemented that allows use of the By/For CRID in electronic documentation to identify mail owners.

Destination Delivery Address vs. 11-Digit Zip Code

Comment: Several commenters request the Postal Service to define what is meant by a ''complete destination delivery address.''

USPS Response: The elements of a complete address are described in DMM 602.1.4.2 and are summarized earlier in this **Federal Register** notice. Generally, a complete destination delivery address should be able to successfully undergo the delivery point validation process.

Comment: Two commenters ask what evidence the Postal Service would require to demonstrate a validity of an address, other than the use of CASS™ software. These commenters ask if CASS certification and destination delivery addresses will be required for IMpb use, both on the physical mail piece and within the version 1.6 upload field.

USPS Response: Although strongly encouraged, the Postal Service will not require mailers to demonstrate CASS certification. The Postal Service will instead require and confirm addressing elements, Delivery Point Validation 11-digit ZIP Code, and ZIP+4 Code information as part of its validation processes.

Comment: Several commenters request clarification as to whether the Postal Service prefers a destination delivery address or an 11-digit Zip Code. These commenters ask if the Postal Service plans to develop an 11-Digit IMpb format for packages and how this would impact the Shipping Services File. A commenter asks if the Postal Service requires the addressee name in the file, will the 47-space requirement be changed to reflect the additional space needed.

USPS Response: For parcel mailings, the Postal Service permits several variations in regards to supplying address information. These options, in order of preference by the USPS, are as follows:

- Destination Delivery Address and DPV 11-digit ZIP Code
- DPV 11-Digit ZIP Code
- Destination Delivery Address and DPV 9-digit ZIP Code
- Destination Delivery Address
- 9-digit ZIP Code

The Postal Service originally considered requiring an IMpb barcode format with an 11-digit ZIP Code; however upon investigation determined that this would not be a practical requirement given the increased risks for barcode readability problems. Readability problems would negatively impact operational costs, visibility, and revenue assurance.

Comment: One commenter asks why the complete delivery address is needed for package sortation or dynamic routing. This commenter asks for further clarification on the exact information needed to enable these processes.

USPS Response: The electronic representation of full address or DPV 11-digit ZIP Code is required prior to the actual receipt of the mailing. This information is required to facilitate the dynamic sortation and assignment of delivery territory based on parcel volume, distance, and other factors that optimize costs and efficiencies.

Timing for New Requirements

Comment: Several commenters request the Postal Service to remove the proposed standards relating to hazardous, perishable, and restricted materials from the IMpb final rule and make a separate proposed rule to address these additional requirements. These commenters also request the Postal Service to adjust the timing for the implementation of the new requirements introduced in the proposed rule to provide sufficient preparation time for mailers to comply.

USPS Response: The visibility of mailpieces containing hazardous, perishable and restricted materials is essential to the Postal Service for a number of reasons, including regulatory concerns and the determination of volume and acceptance characteristics of these materials. The Postal Service will extend the transitional period for identifying hazardous, perishable, and restricted materials until July 27, 2014, to allow customers more time to modify their systems to meet these requirements. However, mailpieces must bear markings as required by current mailing standards.

MRS Labels

Comment: One commenter states that because their documents are handled by two different entities, they will be unable to comply with the new requirement to include the transaction ID, payment account number, method of payment and Post Office account number in the Shipping Services File. This commenter asks if they will be able to obtain an exception for this process.

USPS Response: In general, MRS mailers are not expected to provide a Shipping Services Files for returned parcels. MRS mailers must concatenated IMpb barcode constructs that include a 9-digit routing ZIP Code. This mailer is encouraged to contact USPS shipping information systems at *IMPB@usps.gov* if they believe an exception is needed.

Comment: Four commenters request information on how the Postal Service plans to educate MRS customers on the new requirement to include a unique IMpb on each MRS mailpiece, and the tools available to mailers to create barcoded MRS labels.

USPS Response: The Postal Service will be developing a communication plan to advise mailers of the new IMpb requirements, including those for MRS

mailers, and to provide details on the enhanced services provided by the USPS to assist mailers on meeting these requirements.

Comment: Two commenters ask how the Postal Service will reach out to small and medium-size MRS mailers that are not connected through the Mailers Technical Advisory Council. These commenters ask if tracking will be free and what type of service codes would apply for the unique barcode on MRS.

USPS Response: The Postal Service will be developing a communication plan that separately targets mailers of all types, including MRS mailers. MRS will be eligible for free tracking, dependent on the mail class selected by the permit holder. Service type codes specifically for MRS parcels are outlined in Publication 199. In addition, the Postal Service will extend the transitional period for MRS mailers to July 27, 2014.

Transaction ID

Comment: One commenter asks for the reason why the Postal Service is requiring a Transaction ID (TID) in the Shipping Services File.

USPS Response: The Transaction ID electronically identifies and links the Shipping Services Electronic File(s) and associated data to the corresponding postage statement for shipments presented at BMEUs and DMUs. The TID in conjunction with the Payment Account Number, Method of Payment, and Post Office of Account, enable the Postal Service to calculate IMpb compliance for each mailing at the postage statement level. If any of these fields are missing or inaccurate, an IMpb compliance fee will be assessed for each competitive product mailpiece.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), which is incorporated by reference in the *Code of Federal Regulations.* See 39 CFR part 111.1. Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

200 Commercial Letters and Cards

* * * * *

210 Priority Mail Express

213 Prices and Eligibility

* * * * *

3.0 Basic Standards for Priority Mail Express

* * * * *

3.2 IMpb Standards

[Revise 3.2 as follows:]

All Priority Mail Express pieces, unless inducted through a retail transaction or a USPS self-service kiosk, those bearing postage meter imprints and using Label 11–B, or those pieces paying postage through USPSCA, must bear an Intelligent Mail package barcode (IMpb) prepared under 708.5.0. Unless otherwise excepted, mailpieces not meeting the requirements for use of unique Intelligent Mail package barcodes or extra services barcodes as outlined in Publication 199 will be assessed an IMpb noncompliance fee. For details see the RIBBS Web site at *https://ribbs.usps.gov.*

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220 Priority Mail

223 Prices and Eligibility

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3.0 Basic Standards for Priority Mail

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3.3 IMpb Standards

[Revise 3.3 as follows:]

Unless authorized to use a unique IMb on Priority Mail letters and flats prepared in high-speed environments, all Priority Mail pieces (except Critical Mail pieces without an extra service) must bear an Intelligent Mail package barcode prepared under 708.5.0. To obtain information on how to acquire an authorization to use an IMb on Priority Mail letters and flats, mailers can contact USPS Shipping Information Systems at *IMPB@usps.gov.* Mailpieces not meeting the requirements for use of unique Intelligent Mail package barcodes or extra services barcodes as outlined in Publication 199 will be assessed an IMpb noncompliance fee. For details see the RIBBS Web site at *https://ribbs.usps.gov.*

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300 Commercial Flats

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310 Priority Mail Express

313 Prices and Eligibility

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3.0 Basic Standards for Priority Mail Express

* * * * *

3.2 IMpb Standards

[Revise 3.2 as follows:]

All Priority Mail Express pieces, unless inducted through a retail transaction or a USPS self-service kiosk, those bearing postage meter imprints and using Label 11–B or those pieces paying postage through USPSCA, must bear an Intelligent Mail package barcode (IMpb) prepared under 708.5.0. Unless otherwise excepted, mailpieces not meeting the requirements for use of unique Intelligent Mail package barcodes or extra services barcodes as outlined in Publication 199 will be assessed an IMpb noncompliance fee. For details see the RIBBS Web site at *https://ribbs.usps.gov.*

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320 Priority Mail

323 Prices and Eligibility

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3.0 Basic Standards for Priority Mail

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3.3 IMpb Standards

[Revise 3.3 as follows:]

Unless authorized to use a unique IMb on Priority Mail letters and flats prepared in high-speed environments, all Priority Mail pieces (except Critical Mail pieces without an extra service) must bear an Intelligent Mail package barcode prepared under 708.5.0. To obtain information on how to acquire an authorization to use an IMb on Priority Mail letters and flats, mailers can contact USPS Shipping Information Systems at *IMPB@usps.gov.* Mailpieces not meeting the requirements for use of unique Intelligent Mail package barcodes or extra services barcodes as outlined in Publication 199 will be assessed an IMpb noncompliance fee. For details see the RIBBS Web site at *https://ribbs.usps.gov.*

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400 Commercial Parcels

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401 Physical Standards

1.0 Physical Standards for Parcels

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1.5 Machinable Parcels

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1.5.2 Criteria for Lightweight Machinable Parcels

A parcel that weighs less than 6 ounces (but not less than 3.5 ounces) is machinable if it meets all of the following conditions:

* * * * *

[Delete 1.5.2b and renumber the current 1.5.2c and 2d as the new 2b and 2c.]

* * * * *

2.0 Additional Standards by Class of Mail

* * * * *

2.5 Parcel Select

2.5.1 General Standards

These standards apply to Parcel Select:

* * * * *

[Delete 2.5.1c in its entirety.]

* * * * *

410 Priority Mail Express

413 Prices and Eligibility

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3.0 Basic Standards for Priority Mail Express

* * * * *

3.2 IMpb Standards

[Revise 3.2 as follows:]

All Priority Mail Express pieces, unless inducted through a retail transaction or a USPS self-service kiosk, those bearing postage meter imprints and using Label 11–B or those pieces paying postage through USPSCA, must bear an Intelligent Mail package barcode (IMpb) prepared under 708.5.0. Unless otherwise excepted, mailpieces not meeting the requirements for use of unique Intelligent Mail package barcodes or extra services barcodes as outlined in Publication 199 will be assessed an IMpb noncompliance fee. For details see the RIBBS Web site at *https://ribbs.usps.gov.*

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420 Priority Mail

423 Prices and Eligibility

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3.0 Basic Standards for Priority Mail

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3.2 IMpb Standards

[Revise 3.2 as follows:]

All Priority Mail pieces, unless inducted through a retail transaction or a USPS self-service kiosk, must bear an Intelligent Mail package barcode (IMpb) prepared under 708.5.0. Mailpieces not meeting the requirements for use of unique Intelligent Mail package barcodes or extra services barcodes as outlined in Publication 199 will be assessed an IMpb noncompliance fee. For details see the RIBBS Web site at *https://ribbs.usps.gov.*

* * * * *

430 First-Class Package Service

433 Price and Eligibility

1.0 Prices and Fees for First-Class Package Service

* * * * *

1.4 Commercial Plus Prices

First-Class Package Service machinable parcels less than 16 ounces and Merchandise Return Service parcels are eligible for Commercial Plus prices for customers that:

* * * * *

[Delete 1.4f in its entirety and renumber 1.4g as new 1.4f.]

1.5 Surcharge

[Delete 1.5b, restructure and revise 1.5 as follows:]

Unless prepared in 5-digit/scheme containers, a surcharge applies for presorted parcels that are irregularly shaped, such as rolls, tubes, and triangles.

* * * * *

3.0 Basic Standards for First-Class Package Service Parcels

* * * * *

3.3 Additional Basic Standards

All presorted First-Class Package Service parcels must:

* * * * *

[Delete 3.3c in its entirety.]

3.4 IMpb Standards

[Revise 3.4 as follows:]

All First-Class Package Service parcels must bear an Intelligent Mail package barcode (IMpb) prepared under 708.5.0. Mailpieces not meeting the requirements for use of unique Intelligent Mail package barcodes or extra services barcodes as outlined in Publication 199 will be assessed an IMpb noncompliance fee. For details see the RIBBS Web site at *https://ribbs.usps.gov.*

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440 Standard Mail

443 Prices and Eligibility

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3.0 Basic Standards for Standard Mail Parcels

* * * * *

3.3 Additional Basic Standards for Standard Mail

Each Standard Mail mailing is subject to these general standards:

* * * * *

[Revise 3.3g as follows:]

g. The IMpb applied to each Standard Mail parcel must be correct for the delivery address and must meet the standards in 708.5.0.

* * * * *

[Renumber the current 3.4 through 3.9 as the new 3.5 through 3.10, and add a new 3.4 as follows:]

3.4 IMpb Standards

[Revise 3.4 as follows:]

All Standard Mail parcels, except Standard Mail Marketing parcels mailed as product samples, except those using detached address labels (DAL) and those bearing simplified addresses, must bear an Intelligent Mail package barcode (IMpb) prepared under 708.5.0. Standard Mail parcels may optionally use an IMb in lieu of an IMpb when parcels which are presorted and containerized in 5-digit sacks or other approved containers prepared to the 5-digit level, provided each parcel bears a unique IMb that cannot be reused for 45 days. In situations where the IMb is used in lieu of the IMpb, a Mail.dat or Mail.XML file will be accepted in lieu of a Shipping Service File.

* * * * *

4.0 Price Eligibility for Standard Mail

* * * * *

[Delete 4.4 in its entirety and renumber the current 4.5 as the new 4.4.]

* * * * *

450 Parcel Select

* * * * *

453 Prices and Eligibility

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[Renumber the current section 453.3 as the new 453.4, and add a new section 453.3 as follows:]

3.0 Basic Standards for Parcel Select Parcels

3.1 Service Objectives

The USPS does not guarantee the delivery of Parcel Select mailpieces within a specified time. Parcel Select mailpieces might receive deferred service. The local Post Office can provide more information concerning delivery times within its area.

3.2 Delivery and Return Addresses

All Parcel Select mailpieces must bear a delivery address. The delivery address on each piece must include the correct ZIP Code or ZIP+4 code. Alternative addressing formats under 602.3.0 may be used. Each piece must bear the sender's return address.

3.3 IMpb Standards

All Parcel Select mailpieces must bear an Intelligent Mail package barcode (IMpb) prepared under 708.5.0. Mailpieces not meeting the requirements for use of unique Intelligent Mail package barcodes or extra services barcodes as outlined in Publication 199 will be assessed an IMpb noncompliance fee. For details see the RIBBS Web site at *https://ribbs.usps.gov.*

* * * * *

4.0 Price Eligibility for Parcel Select and Parcel Select Lightweight

4.1 Destination Entry Price Eligibility

* * * * *

4.1.2 Basic Standards

For Parcel Select destination entry, pieces must meet the applicable standards in 455.4.0 and the following criteria:

* * * * *

[Delete renumbered 4.1.2f in its entirety.]

* * * * *

4.2 Parcel Select NDC and ONDC Presort Price Eligibility

[Delete the last two sentences of renumbered 4.2 in their entirety.]

4.3 Parcel Select Nonpresort Price Eligibility

[Delete the first sentence of the introductory paragraph of renumbered 4.3.]

* * * * *

4.4 Parcel Select Lightweight

* * * * *

4.4.1 General Eligibility

Parcel Select Lightweight parcels are presorted machinable or irregular parcels. The following also applies:

* * * * *

[Delete renumbered 4.41e in its entirety, and renumber the renumbered 4.4.1f as the new renumbered 4.4.1e.]

* * * * *

460 Bound Printed Matter

463 Prices and Eligibility

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2.0 Basic Eligibility Standards for Bound Printed Matter

* * * * *

[Add a new 2.4 and 2.5 as follows:]

2.4 USPS Tracking

BPM parcels with alternative address formats may be mailed with USPS Tracking, but must not bear an ancillary service endorsement (see 602.3.1.2).

2.5 IMpb Standards

All BPM parcels must bear an Intelligent Mail package barcode (IMpb) prepared under 708.5.0.

* * * * *

4.0 Price Eligibility for Bound Printed Matter Parcels

4.1 Price Eligibility

* * * Price categories are as follows:

* * * * *

[Revise 4.1b and 4.1c as follows:]

b. Presorted Price. The Presorted price applies to BPM prepared in a mailing of at least 300 BPM pieces, prepared and presorted as specified in 465.5.0, 705.8.0, or 705.22.0.

c. Carrier Route Price. The Carrier Route price applies to BPM prepared in a mailing of at least 300 pieces presorted to carrier routes, prepared and presorted as specified in 465.6.0, or 705.8.0.

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470 Media Mail and Library Mail

473 Prices and Eligibility

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[Revise the title of 2.0 as follows:]

2.0 Basic Standards for Media Mail and Library Mail Parcels

* * * * *

[Add a new 2.5 as follows:]

2.5 IMpb Standards

All Media Mail and Library Mail parcels, unless inducted through a retail transaction or a USPS self-service kiosk, must bear an Intelligent Mail package barcode (IMpb) prepared under 708.5.0.

* * * * *

6.0 Price Eligibility for Media Mail and Library Mail Parcels

* * * * *

6.2 Price Eligibility Standards

[Delete the second and third sentences of 6.2 in their entirety.]

* * * * *

6.3 Price Categories for Media Mail and Library Mail Parcels

[Delete 6.3c in its entirety.]

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475 Mail Preparation

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5.0 Preparing Media Mail and Library Mail Parcels

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5.2 Preparing Machinable Parcels

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[Delete 5.2.3 in its entirety.]

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500 Additional Mailing Services

503 Extra Services

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3.0 Insured Mail

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3.2 Insurance Coverage—Priority Mail

Priority Mail pieces bearing an Intelligent Mail package barcode (IMpb) or USPS retail tracking barcode (see 10.3.1) are insured against loss, damage, or missing contents, up to a maximum of $50.00 or $100.00, subject to the following:

* * * * *

[Renumber the current 3.2d as the new 3.2e and add a new 3.2d as follows:]

b. Priority Mail pieces meeting the requirements under 3.2, but not supported by a Shipping Services file must have a full acceptance scan in order to qualify for automatic insurance coverage.

* * * * *

5.0 Return Receipt

* * * * *

5.2 Basic Information

5.2.2 Eligible Matter

Return receipt service is available for:

* * * * *

[Renumber the current 2c and 2d as the new 2d and 2e, and revise 2b and add a new 2c as follows:]

c. First-Class Mail when purchased with Certified Mail, COD, insured mail (for more than $200.00) or Registered Mail service.

d. First-Class Package Service, and Priority Mail (excluding Critical Mail) when purchased at the time of mailing with COD, insured mail (for more than $200.00), or Registered Mail service.

* * * * *

7.0 Restricted Delivery

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7.2 Basic Information

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7.2.2 Eligible Matter

Restricted Delivery service is available for:

[Renumber the current 2b and 2c as the new 2c and 2d, and revise 2a and add a new 2b as follows:]

a. First-Class Mail when purchased with Certified Mail, COD, insured mail (for more than $200.00) or Registered Mail service.

b. First-Class Package Service, and Priority Mail (excluding Critical Mail) when purchased at the time of mailing with COD, insured mail (for more than $200.00), or Registered Mail service.

* * * * *

505 Return Services

1.0 Business Reply Mail (BRM)

* * * * *

1.4 General Information

1.4.1 Description

[Revise the second sentence of, and add a new sentence to, 1.4.1 as follows:]

Business Reply Mail (BRM) service enables a permit holder to receive First-Class Mail and Priority Mail back from customers and pay postage and a per-piece fee for only the pieces returned. BRM cards, envelopes, self-mailers, flats, and labels may be distributed by a BRM permit holder in any quantity for return to any Post Office in the United States and its territories and possessions, including military Post Offices overseas. Only card-, letter- and flat-sized pieces are eligible for BRM service. * * *

* * * * *

3.0 Merchandise Return Service

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3.2 Basic Standards

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[Renumber the current 3.2.5 through 3.2.13 as the new 3.2.6 through 3.2.14, and add a new 3.2.5 as follows:]

3.2.5 IMpb Standards

All MRS labels must bear a unique Intelligent Mail package barcode (IMpb) prepared under 708.5.0.

* * * * *

3.3 Additional Standards for Permit Holder

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3.3.3 USPS Tracking

[Revise 3.3.3 as follows:]

USPS Tracking service is optional, but provided without charge for mailpieces bearing authorized MRS labels. MRS labels requesting USPS Tracking must meet the standards in 503.10.0. USPS Tracking may be combined with insurance and special handling, or both.

* * * * *

3.5 Preparation

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3.5.13 Format Elements

Format standards required for the merchandise return label are shown in Exhibit 3.5.13a through Exhibit 3.5.13d, and described as follows:

* * * * *

Exhibit 3.5.13a Merchandise Return Label With No Extra Services or With Insurance, Special Handling, or Pickup on Demand Service (*see 3.5.13d)

[Placeholder for revised Exhibit 3.5.13a]

* * * * *

Exhibit 3.5.13b Merchandise Return Label With Registered Mail Service

[Placeholder for revised Exhibit 3.5.13b]

* * * * *

Exhibit 3.5.13c Merchandise Return Label With Mailing Acknowledgment (*see 3.5.13d)

[Placeholder for revised Exhibit 3.5.13c]

* * * * *

Exhibit 3.5.13d Merchandise Return Label With USPS Tracking Service

[Placeholder for revised Exhibit 3.5.13d]

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507 Mailer Services

1.0 Treatment of Mail

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1.5 Treatment for Ancillary Services by Class of Mail

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507.1.5.4 Standard Post, Package Services and Parcel Select

Undeliverable-as-addressed (UAA) Standard Post, Package Services, and Parcel Select mailpieces are treated as described in Exhibit 1.5.4, with these additional conditions:

* * * * *

[Revise the first sentence of 1.5.4b as follows:]

b. Except for Bound Printed Matter pieces including USPS Tracking, the exceptional address format under 602.3.0 may not be used on mail with any ancillary service endorsement or mail with any extra service (see 463.2.4). * * *

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700 Special Standards

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705 Advanced Preparation and Special Postage Payment Systems

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7.0 Combining Package Services and Parcel Select Parcels for Destination Entry

7.1 Combining Parcels—DSCF and DDU Entry

7.1.1 Qualification

[Delete the last three sentences of 7.1.1 in their entirety.]

* * * * *

708 Technical Specifications

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5.0 Standards for Package and Extra Service Barcodes

5.1 Intelligent Mail Package Barcode

* * * * *

5.1.7 Electronic File

* * * Electronic files must include the following elements:

* * * * *

[Revise 5.1.7d as follows:]

d. Version 1.6 (or subsequent versions) of the electronic shipping services manifest files including each destination delivery address or ZIP + 4 Code. Effective January 25, 2015, shipping services manifests, or other approved electronic documentation, must include the destination delivery address or delivery point validated (DPV) 11-digit ZIP Code for each record in the file.

[Delete the current 5.1.7e in its entirety and add a new 7e as follows:]

e. Electronic shipping manifest files, or approved alternative electronic documentation, must include data identifying the mailing agent and mail owner, as applicable.

* * * * *

5.2 Other Package Barcodes

5.2.1 Basic Standards for Postal Routing Barcodes

[Revise the first sentence of 5.2.1 as follows:]

A separate postal routing barcode may be used on parcels to provide routing information, when used in conjunction with an IMpb.

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires,

Attorney, Legal Policy and Legislative Advice.

[FR Doc. 2013–30023 Filed 12–17–13; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0431; FRL–9402–4]

Endothall; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of endothall in or on apple and apple, pomace. United Phosphorus, Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective December 18, 2013. Objections and requests for hearings must be received on or before February 18, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0431, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 703–305–5447; email address: *Rossi.Lois@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0431 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before February 18, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0431, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of July 25, 2012 (77 FR 43562) (FRL–9353–6), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2F8023) by United Phosphorus, Inc., 630 Freedom Business Center, Suite 402 King of Prussia, PA 19406. The petition requested that 40 CFR 180.293 be amended by establishing tolerances for residues of the herbicide, endothall, mono (N,N-dimethylalkylamine) salt of endothall, and the dipotassium salt of endothall, in or on apples at 0.05 parts per million (ppm), and apple, pomace at 0.15 ppm. That document referenced a summary of the petition prepared by United Phosphorus, Inc., the registrant, which is available in the docket, EPA–HQ–OPP–2012–0431 at *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has revised the proposed definition for apple pomace to ''apple, wet pomace'' and updated the current tolerance expression so that metabolites and degradates of endothall are included. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for endothall including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with endothall follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Endothall is a caustic chemical with toxicity being the result of a direct degenerative effect on tissue. By acute exposure, endothall is a skin sensitizer and an extreme irritant by the acute oral and ocular routes of administration. The most sensitive effect of endothall following chronic oral administration is direct irritation of the gastrointestinal system. This effect was evident in several species and in several studies. The dog is particularly sensitive to endothall toxicity. Endothall caused gastric epithelial hyperplasia in dogs treated with an oral dose of 6.5 mg/kg/day for 52 weeks (a dose level that was one order of magnitude lower than doses associated with clinical signs of toxicity (subdued behavior, poor condition, thin appearance and distended abdomen). Besides gastric irritant effects, decreased body weight in the dog was also a sensitive effect following 13 weeks of endothall administration. The decreased body weights were most likely attributable to the constant and direct irritation of the gastric lining. In the rat, gastric irritation was noted at a dose level that was 1 to 2 orders of magnitude lower than doses resulting in kidney lesions. Proliferative lesions of the gastric epithelium were observed in F1 parental male and female rats treated orally with 2 mg/kg/day endothall in a 2-generation reproduction study (a NOAEL was not identified). In a developmental rat study, pregnant rats exhibited decreased body weight and decreased body weight was also noted in a 90-day dietary study in the rat.

Dermally, endothall destroys the stratum corneum and then the underlying viable epidermis. In the 21-day dermal rat study, systemic toxicity (hematology and clinical chemistry alterations) was noted at a dose level that was one order of magnitude greater than that causing dermal irritation. Available studies clearly demonstrate that local irritation (portal of entry effect) is the most sensitive and initial effect, occurring at dose levels lower than those associated with systemic toxicity.

Acute inhalation toxicity of endothall is low; however, nasal and pulmonary toxicity were evident in the 5-day and 28-day inhalation toxicity studies in the rat including rales, labored respiration, pale lungs (gross necropsy), increased absolute and relative lung weights, subacute inflammation, alveolar proteinosis, and nasal hemorrhage inflammation, erosion, and ulceration.

Endothall does not cause pre-natal toxicity following *in utero* exposure to rats nor pre-and postnatal toxicity following exposures to rats for two generations. In the developmental mouse study, there was severe maternal toxicity (i.e., greater than 30% mortality) at the highest dose tested; at this dose level, a slight increase in vertebral and rib malformations was observed in the offspring indicating that these effects were most likely secondary to severe maternal toxicity. The hazard data for endothall indicate no evidence of quantitative or qualitative increased susceptibility of rat fetuses exposed *in utero* to endothall in the developmental toxicity studies. In addition, no evidence of quantitative or qualitative increased susceptibility of rat fetuses or neonates was observed in the 2-generation reproduction study.

Available studies showed no evidence of neurotoxicity and do not indicate potential Immunotoxicity. Endothall does not belong to the class of compounds (e.g., the organotins, heavy metals, or halogenated aromatic hydrocarbons) that would be expected to be toxic to the immune system. Endothall is classified as ''not likely to be carcinogenic to humans'' based on lack of evidence of carcinogenicity in mice or rats. It has no mutagenic potential.

Specific information on the studies received and the nature of the adverse effects caused by endothall as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Endothall. Human Health Risk Assessment to support proposed Use on Apples'' at 30–34 in docket ID number EPA–HQ–OPP–2012–0431.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for endothall used for human risk assessment is shown in Table 1.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR ENDOTHALL USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/Scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including Females 13–50 years of age, infants and children).	An appropriate endpoint attributable to a single dose was not available from any study, including the prenatal development toxicity study in rats. An acute RfD was not established.		
Chronic dietary (All populations)	LOAEL = 2 mg/kg/day (NOAEL not determined). UF = 300x FQPA SF = 3x	Chronic RfD = 0.007 mg/kg/day cPAD = 0.007 mg/kg/day	Rat 2-generation reproduction study proliferative lesions of the gastric epithelium (both sexes)
Incidental oral short-term (1 to 30 days).	Offspring NOAEL = 9.4 mg/kg/day.	Residential LOC for MOE = 100.	Rat 2-generation reproduction study LOAEL = 60 mg/kg/day based on decreased pup body weight (both sexes) on Day 0 F_1 and F_2 generations Body Weights were also similarly decreased in the dams throughout the study.
Dermal short-term (1 to 30 days) And Intermediate-term (1 to 6 months).	In the 21 day dermal toxicity study, severe dermal effects were observed at 30 mg/kg/day (lowest dose tested). The NOAEL for dermal irritation was not established due to Erythema, edema and fissuring and sloughing off of skin at the lowest tested (30 mg/kg/day) endothall is caustic dermally because it is an acid. Since undiluted endothal is so toxic at the portal of entry (e.g., skin), quantification of systemic toxicity and risk is not necessary to show that direct exposure to endothall poses unacceptable risk. Protection against any potential dermal effects from direct exposure is addressed with precautionary labeling recommending the use of gloves and other personal protection which limits contact of the material with the handler's body. The 30 mg/kg/day dose from the 21 day dermal study was used as a point of reference in assessing potential risk to swimmers from dermal exposure.		
Inhalation short-term (1 to 30 days).	Inhalation (or oral) study NOAEL = 0.001 mg/kg/day (inhalation absorption rate = 100%). UF_A = 3x^{c}x UF_H = 10xx FQPA SF = 1x	LOC for MOE = 30	Subchronic inhalation toxicity study LOAEL = 0.005 based on clinical signs (rales and labored respiration) observed acutely (0–1 hr post dosing and prior to next exposure).
Cancer (Oral, dermal, inhalation).	Classified as a "Not Likely" human carcinogen		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_{DB} = to account for the absence of data or other data deficiency. UF_H = potential variation in sensitivity among members of the human population (intraspecies). UF_L = use of a LOAEL to extrapolate a NOAEL. UF_S = use of a short-term study for long-term risk assessment.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to endothall, EPA considered exposure under the petitioned-for tolerances as well as all existing endothall tolerances in 40 CFR 180.293. EPA assessed dietary exposures from endothall in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for endothall; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FID) Version 3.16 which uses food consumption data from the U.S. Department of Agriculture's National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA), conducted from 2003–2008. As to residue levels in food, EPA used average percent crop treated (PCT) estimates for endothall, average field trial residues for all existing and new uses, and DEEM 7.81 default and crop specific processing factors and conservative drinking water estimates to obtain accurate residue data.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that endothall does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Percent crop treated (PCT) information.* Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- Condition a: The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- Condition b: The exposure estimate does not underestimate exposure for any significant subpopulation group.
- Condition c: Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the PCT for new and existing uses as follows: Apple 62%, apple fresh market 76%, apple processing 37%, apple juice 40%, barley for grain 36%, corn for grain 19%, dry beans 32%, grape 95%, grape fresh market 99%, grape processing 94%, green peas 43%, oats for grain 7%, peanut for nuts 42%, rice 100%, sorghum for grain 15%, soybean for beans 9%, strawberry 90%, strawberry fresh market 88%, strawberry processing 100%, sugar beet for sugar 37%, sugarcane for sugar 54%, watermelon 33%, and wheat for grain 14%.

Because endothall will be applied to water in irrigation canals, EPA estimates the percent crop treated for endothall by estimating the percent of the crop that is irrigated. This will serve as an upper bound for crops that may be exposed to endothall in irrigation water. EPA uses two methods to estimate percent crop irrigated. The first method, where data on irrigated production is available, is an estimate of the share of total production that is irrigated. Estimates from this method are provided for barley, corn, dry edible beans, oats, peanuts, rice, sorghum, soybeans, sugar beets, sugarcane, and wheat. For these crops, data on irrigated production is from the 2007 Census of Agriculture. Where data on irrigated production are not available, EPA estimates the percent crop irrigated by determining the percentage of United States production of a crop that is grown in 17 western states where endothall may be used. The 17 western states are Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. These states are the states where large scale water projects are predominate, and where other chemicals are used in canals for weed control. These types of irrigation projects are relatively rare in other parts of the country. Data on the share of the crop grown in the 17 western states are from USDA/NASS data.

These estimates are conservative because they are the equivalent of assuming 100% of irrigated crops are irrigated with water from endothall-treated canals. This assumption is being made despite the fact that all irrigation canals may not be treated with endothall, even in some areas with surface water delivery systems and other areas with crops (even in the heavily irrigated areas of the West), not being irrigated.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition A, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions B and C, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which endothall may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for endothall in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of endothall. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Simple First-Order Degradation the estimated drinking water concentrations (EDWCs) of endothall for chronic exposures for non-cancer assessments are estimated to be 31 ppb for surface water and ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). A product containing endothall is currently registered for uses that could result in residential exposures which include aquatic applications on ponds, lakes and garden pools. There is a potential for exposure from registered uses for homeowners who apply endothall products to control aquatic weeds and algae in ponds and garden pools. For residential handlers, exposure scenarios are only considered to be short-term in nature due to the episodic uses associated with homeowner products. There is also a potential for exposure to adults and children from contacting water treated with endothall through swimming, wading, water skiing, etc. Only short-term exposures are expected since these scenarios are expected to be only episodic.

Endothall registered use patterns and current labeling indicate three likely residential handler exposure scenarios: (1) applying granules by hand for treating garden pools, (2) applying granules by cup for treating ponds and lakes, and (3) applying granules by spoon for treating ponds and lakes. For post-application exposures, the Agency quantitatively assessed inhalation and incidental oral (water ingestion) from the aquatic use (adult and children). Since endothall is caustic dermally because it is an acid the Agency determined quantification of systemic toxicity and risk resulting from dermal exposure is not appropriate. Though swimmers could be exposed to endothall, EPA did not conduct a formal quantitative assessment for this scenario because the maximum concentration of endothall in swimming water is 5 ppm, and this dilutes out very rapidly. In comparison, in the dermal toxicity study, the concentration that caused irritation was substantially higher (2000 ppm). Therefore exposures to endothall in water would not likely result in any irritation to the skin. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found endothall to share a common mechanism of toxicity with any other substances, and endothall does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that endothall does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common

mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There was no indication of increased susceptibility of rats or mice *in utero* and or postnatal exposure in the developmental and reproductive toxicity studies.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 3X. That decision is based on the following findings:

i. The toxicity database for endothall is complete, with the exception of the immunotoxicity study, which is a toxicology data requirement of the revised 40 CFR Part 158. However, endothall does not belong to the class of compounds (e.g., the organotins, heavy metals, or halogenated aromatic hydrocarbons) that would be expected to be toxic to the immune system and the available studies showed no evidence of potential immunotoxicity.

ii. There is no indication that endothall is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that endothall results in increased susceptibility *in utero* in rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties in the endothall database in regard to dietary (food and drinking water) and residential exposures. Though the chronic dietary exposure and risk assessment was partially refined by using percent crop treated data, the dietary food assessment is still very conservative since field trial rather than monitoring data were used as the residue input, and default as well as measured processing factors were used for some commodities. Also, the drinking water inputs were based on modeled surface water values from the scenario which provides the highest estimated environmental concentration and will not underestimate chronic exposure to residues of endothall present in drinking water. Residential exposure estimates are based on conservative, health-protective assumptions that also ensure exposures are not underestimated.

v. Although all of the above factors support the conclusion that removal of the FQPA factor would be safe for children, an additional 3X FQPA factor is being retained because a LOAEL established in the two-generation reproduction study was used for assessing chronic dietary risks. A 3X factor (as opposed to a 10X) was determined to be adequate since the severity of the lesions were minimal to mild indicating that LOAEL did not far exceed the NOAEL.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and therefore no acute dietary endpoint was selected. Endothall is not expected to pose an acute dietary risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to endothall from food and water will utilize 90% of the cPAD for infants (1–2 years old) which is the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of endothall is not expected.

3. *Short-term risk:* Short-term aggregate exposure takes into account adult and children's post-application inhalation and oral exposure (from swimming in water bodies treated with endothall) combined with the chronic dietary exposure from the mostly highly exposed adult (General US population) and children's (all children 1–2 years old) subpopulations respectively, to determine aggregate exposure and risk. The Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to endothall.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded that combined short-term food, water, and residential exposures result in aggregate MOEs of 1200 and 210 for the most highly exposed subgroups of adults and children, respectively.

Because EPA's level of concern for endothall is a MOE of 100 or below, these MOEs are not of concern. As discussed in Unit III.C.3., the risk to swimmers from dermal exposure to endothall is very low.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, endothall is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population or to infants and children from aggregate exposure to endothall residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (GC with microcoulometric nitrogen detection and a confirmatory HPLC/MSD method) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint

United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for endothall.

C. Response to Comments

There were no comments on the petition to establish endothall tolerance on apples and apple pomace. The comment posted in the Endothall Docket, *EPA–HQ–OPP–2012–0431–0005* was published within the incorrect docket and is irrelevant to this action.

D. Revisions to Petitioned-For Tolerances

The proposed commodity definition for apple pomace is being revised to ''apple, wet pomace'' to reflect the Agency's correct commodity definition. In addition EPA is revising the tolerance expression in 40 CFR 180.293(a)(1) for food commodities to clarify the chemical moieties that are covered by the tolerances and specify how compliance with the tolerances is to be measured. The revised tolerance expression makes clear that the tolerances cover ''residues of endothall, including its metabolites and degradates,'' and that compliance with the tolerance levels will be determined, for food commodities, by measuring only endothall (7-oxabicyclo [2.2.1] heptanes-2,3-dicarboxylic acid) and its mono-methyl ester. EPA has determined that it is reasonable to make this change final without prior proposal and opportunity for comment, because public comment is not necessary, in that the change has no substantive effect on the tolerance, but rather is merely intended to clarify the legal effect of tolerances as Provided in FFDCA section 408(a)(3).

V. Conclusion

Therefore, tolerances are established for residues of endothall and its mono-methyl ester, in or on apple at 0.05 ppm and apple, wet pomace at 0.15 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 9, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.293 revise paragraph (a)(1) introductory text and add, alphabetically, the following commodities to the table to read as follows:

§ 180.293 Endothall; tolerances for residues.

(a) *General.* (1) Tolerances are established for the residues of endothall, including its metabolites and degradates, in or on the commodities in the table, below. Compliance with the tolerance levels specified, below, is to be determined by measuring only endothall (7-oxabicylco [2.2.1] heptanes-2,3-dicarboxylic acid) and its mono-methyl ester.

Commodity	Parts per million
Apple	0.05
Apple, wet pomace	0.15
* * * * *	

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[FR Doc. 2013–29963 Filed 12–17–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0525; FRL–9903–19]

Tall Oil, Polymer With Polyethylene Glycol and Succinic Anhydride Monopolyisobutylene Derivs.; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs. (CAS Reg. No. 1398573–80–2) when used as an inert ingredient in a pesticide formulation. Huntsman Corp. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs. on food or feed commodities.

DATES: This regulation is effective December 18, 2013. Objections and requests for hearings must be received on or before February 18, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0525, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0525 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before February 18, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0525, by one of the following methods.

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

In the **Federal Register** of September 12, 2013 (78 FR 56185) (FRL–9399–7), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (IN–10605) filed by Huntsman Corp., 8600 Gosling Road, The Woodlands, TX 77381. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs.; CAS Reg. No. 1398573–80–2. That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency received no comments in response to the notice of filing.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and use in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to ''ensure that there is a

reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' and specifies factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). Tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs. conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF3—or longer chain length as specified in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

8. The polymer's number average MW of 1,200 is greater than 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000, and the polymer does not contain any reactive functional groups.

Thus, tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs. meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs. could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs. is 1,200 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs. conform to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs. to share a common mechanism of toxicity with any other substances, and tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs. does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs. does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs., EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to

residues of tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs.

VIII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs.

IX. Conclusion

Accordingly, EPA finds that exempting residues of tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs. from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these rules from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes, or otherwise have any unique impacts on local governments. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

Although this action does not require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994), EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. As such, to the extent that information is publicly available or was submitted in comments to EPA, the Agency considered whether groups or segments of the population, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

XI. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 6, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960, alphabetically add the following polymer to the table to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * * * *	
Tall oil, polymer with polyethylene glycol and succinic anhydride monopolyisobutylene derivs., minimum number average molecular weight (in amu), 1,200	1398573–80–2
* * * * * * *	

[FR Doc. 2013–29968 Filed 12–17–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 130114034–3422–02]

RIN 0648–XD016

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting and Non-Whiting Allocations; Pacific Whiting Seasons

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; reapportionment of tribal whiting allocation.

SUMMARY: This document announces the reapportionment of 30,000 mt of Pacific whiting from the tribal allocation to the non-tribal commercial fishery allocations. This action is intended to allow for full utilization of the resource.

DATES: The rule is effective December 18, 2013, until December 31, 2013, unless modified, superseded or rescinded. The reapportionment of whiting is applicable September 18, 2013 until December 31, 2013. Comments will be accepted through January 2, 2014.

ADDRESSES: You may submit comments, identified by ''NOAA–NMFS–2013–0013'' 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-2013-0013,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Fax:* 206–526–6736, Attn: Kevin C. Duffy
- *Email comments directly to NMFS, Northwest Region at: Whitingreapportionment@noaa.gov*
- *Mail:* William W. Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070, Attn: Kevin C. Duffy.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Kevin C. Duffy (Northwest Region, NMFS), phone: 206–526–4743, fax: 206–526–6736 and email: *kevin.duffy@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This document is accessible via the Internet at the Office of the Federal Register's Web site at *http://www.gpo.gov/fdsys/search/home.action.* Background information and documents are available at the Pacific Fishery Management Council's Web site at *http://www.pcouncil.org/.*

Background

This document announces the reapportionment of 30,000 mt of Pacific whiting from the tribal allocation to the non-tribal commercial sectors on September 18, 2013. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. Regulations at 50 CFR 660.131(h) contain provisions that allow the Regional Administrator to make Pacific whiting tribal allocation specified at § 660.50 that will not be harvested by the tribal fisheries available for harvest to other sectors of the trawl fishery. For 2013 the Washington Coast treaty tribes were allocated 63,205 mt of Pacific whiting. The best available information through September 16, 2013 indicated that at least 30,000 mt of the tribal allocation will not be harvested by December 31, 2013. To allow for full utilization the resource, NMFS reapportioned 30,000 mt to the shorebased IFQ, catcher/processor and mothership sectors in proportion to each sector's original allocation on September 18, 2013. Reapportioning this amount is not expected to limit tribal harvest opportunities for the remainder of the year.

The revised Pacific whiting allocations for 2013 are: Tribal 33,205 mt, catcher/processor 79,573 mt; mothership 56,170 mt: and shorebased IFQ 98,297 mt. Emails sent directly to fishing businesses and postings on the Northwest Region's internet site were used to provide actual notice to the affected fishers.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment pursuant to 5 U.S.C. 553(b)(B) because such notification would be impracticable and contrary to the public interest. As previously noted, actual notice of the reapportionment was provided to fishers. Prior notice and opportunity for public comment was impracticable because NMFS had insufficient time to provide prior notice and the opportunity for public comment between the time the information about the progress of the fishery needed to make this determination became available and the time at which fishery modifications had to be implemented in order to allow fishers access to the available fish during the remainder of the fishing season. Reapportioning as quickly as possible was necessary to allow access to the available fish prior to the onset of weather conditions that would make fishing unsafe. For the same reasons, the AA also finds good cause to waive the 30-day delay in effectiveness required under 5 U.S.C. 553(d)(3).

These actions are authorized by 50 CFR 660.55 (i), 660.60(d) and 660.131(h)

and are exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 12, 2013.

Sean F. Corson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–30031 Filed 12–17–13; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 78, No. 243

Wednesday, December 18, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–1028; Directorate Identifier 2013–NM–068–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A318–111 and –112 airplanes, Model A319–111, –112, –113, –114, and –115 airplanes, Model A320–111, –211, –212, and –214 airplanes, and Model A321–111, –112, –211, –212, and –213 airplanes. This proposed AD was prompted by reports of broken aft engine mount retainers. This proposed AD would require inspecting the aft engine mount retainers for surface finish, and for cracks and failure, and replacement if necessary. We are proposing this AD to prevent failure of retainer brackets of the aft engine mount and consequent loss of the locking feature of the nuts of the inner and outer pins. Loss of the pins will result in the aft mount engine link no longer being secured to the aft engine mount.

DATES: We must receive comments on this proposed AD by February 3, 2014.

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

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

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

For Goodrich Corporation service information identified in this proposed AD, contact Goodrich Corporation, Aerostructures, 850 Lagoon Drive, Chula Vista, CA 91910–2098; phone: 619–691–2719; email: *jan.lewis@goodrich.com;* Internet: *http://www.goodrich.com/TechPubs.*

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.

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–1028; Directorate Identifier 2013–NM–068–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0050, dated March 5, 2013 (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:

> During in-service inspections, several aft engine mount retainers, fitted on aeroplanes equipped with CFM56–5/5B engines, have been found broken.
>
> The results of the investigations highlight that two different types of surface finish have been applied (respectively bright and dull material finishes), and that dull finish adversely affects the strength of the retainer with regard to fatigue properties of the part.
>
> The pins which attach the engine link to the aft mount are secured by two nuts, which do not have a self-locking feature; this function is provided by the retainer brackets. In case of failure of the retainer bracket, the locking feature of the nuts of the inner and outer pins is lost; as a result, these nuts could subsequently become loose.
>
> In case of full loss of the nuts, there is the potential to also lose the pins, in which case the aft mount link will no longer be secured to the aft engine mount. The same locking feature is used for the three link assemblies of the aft mount.
>
> For the reasons described above, this [EASA] AD requires a one-time detailed visual inspection (DVI) of the aft engine mount to identify the affected dull finish retainers [and for cracks and failure] and replace these [retainers] with serviceable retainers. This [EASA] AD also prohibits installation of any dull finish aft engine mount retainers.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–1028.

Relevant Service Information

Airbus has issued Airbus Alert Operators Transmission (AOT) A71N001–12, Rev. 2, dated February 27, 2013.

Goodrich Corporation has issued Goodrich Service Bulletin RA32071–146, Rev. 2, dated July 26, 2012.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 851 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	3 work-hours × $85 per hour = $255 per inspection cycle for two engines.	$0	$255 per inspection cycle for two engines.	$217,005 per inspection cycle for two engines.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Bracket replacement	1 work-hour × $85 per hour = $85 per engine.	$10,000	$10,085 per engine.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2013–1028; Directorate Identifier 2013–NM–068–AD.

(a) Comments Due Date

We must receive comments by February 3, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus Model A318–111 and –112 airplanes.

(2) Airbus Model A319–111, –112, –113, –114, and –115 airplanes.

(3) Airbus Model A320–111, –211, –212, and –214 airplanes.

(4) Airbus Model A321–111, –112, –211, –212, and –213 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Reason

This AD was prompted by reports of broken aft engine mount retainers. We are issuing this AD to prevent failure of retainer brackets of the aft engine mount and consequent loss of the locking feature of the nuts of the inner and outer pins. Loss of the

pins will result in the aft mount engine link no longer being secured to the aft engine mount.

(f) Compliance

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

(g) Inspection

Within 3 months after the effective date of this AD: Do a detailed inspection of the aft engine mount retainers for surface finish (dull or bright), and for cracks and failure, in accordance with Section 4.2.2, ''Inspection Requirements,'' of Airbus Alert Operators Transmission (AOT) A71N001–12, Rev. 2, dated February 27, 2013, except as specified in paragraph (h) of this AD.

(h) Exception to Paragraph (g) of This AD

The actions required by paragraph (g) of this AD are not required to be done on airplanes with manufacturer serial numbers 4942 and higher, provided a review of maintenance records verifies that no aft engine mount retainers have been replaced since first flight of the airplane.

(i) Repetitive Inspection and Retainer Replacement for Dull Finish Retainers

If, during the detailed inspection required by paragraph (g) of this AD, any installed dull finish aft engine mount retainer is found without cracks and not failed: Do the actions specified in paragraphs (i)(1) and (i)(2) of this AD.

(1) Within 25 flight cycles after doing the actions required by paragraph (g) of this AD, repeat the detailed inspection specified in paragraph (g) of this AD.

(2) Within 50 flight cycles after doing the first detailed inspection specified in paragraph (g) of this AD: Replace all dull finish retainers with a new or serviceable retainer, in accordance with Section 4.2.3.1, ''Replacement Procedure,'' of Airbus AOT A71N001–12, Rev. 2, dated February 27, 2013.

(j) Replacement of Cracked or Failed Retainers

If, during any detailed inspection specified in paragraph (g) of this AD, any installed aft engine mount retainer is found cracked or failed: Before further flight, replace all affected aft engine mount retainers with a new or serviceable retainer, in accordance with Section 4.2.3, ''Replacement Procedure,'' of Airbus AOT A71N001–12, Rev. 2, dated February 27, 2013.

(k) Parts Prohibition

As of the effective date of this AD, no person may install any aft engine mount retainer with a dull finish on any airplane. The instructions of Airbus AOT A71N001–12, Revision 2, dated February 27, 2013; or the Accomplishment Instructions of Goodrich Service Bulletin RA32071–146, Rev. 2, dated July 26, 2012; can be used to verify the correct finish of the part.

(l) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g), (i), and (j) of this AD, if those actions were performed before the effective date of this AD using Airbus AOT A71N001–12, Rev. 1, dated August 9, 2012.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they were approved by the State of Design Authority (or its delegated agent, or by the Design Approval Holder with a State of Design Authority's design organization approval). For a repair method to be approved, the repair approval must specifically refer to this AD. You are required to ensure the product is airworthy before it is returned to service.

(n) Special Flight Permits

Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the airplane can be modified (if the operator elects to do so), provided no dull finish aft engine mount retainers that are cracked or have failed are installed.

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2013–0050, dated March 5, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–1028.

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

(3) For Goodrich Corporation service information identified in this AD, contact Goodrich Corporation, Aerostructures, 850 Lagoon Drive, Chula Vista, CA 91910–2098; phone: 619–691–2719; email: *jan.lewis@goodrich.com;* Internet: *http://www.goodrich.com/TechPubs.*

(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.

Issued in Renton, Washington, on December 9, 2013.

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–30030 Filed 12–17–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–A082

Burial Benefits

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to clarify, reorganize, and rewrite in plain language its regulations that govern entitlement to monetary burial benefits, which include burial allowances for service-connected and non-service-connected deaths, a plot or interment allowance, and reimbursement of transportation expenses. The amendments would also establish rules to support VA's automated payment of burial allowances to surviving spouses, conversion to flat-rate burial and plot or interment allowances that are equal to the maximum benefit authorized by law, and priority of payment to non-spouse survivors.

DATES: VA must receive comments on or before January 17, 2014.

ADDRESSES: Written comments may be submitted through *http://www.regulations.gov;* by mail or hand-delivery to Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–A082, Burial Benefits.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. This is not a toll-free number. In addition, during the comment period,

comments may be viewed online through the Federal Docket Management System at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Rob Watkins, Pension and Fiduciary Service (21PF), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; (202) 632–8863. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. chapter 23, VA has authority to pay benefits to certain deceased veterans' survivors and other persons for the veterans' burials and funerals, to include a burial allowance for non-service-connected deaths (38 U.S.C. 2302, 2303(a)) or a burial allowance for service-connected deaths (38 U.S.C. 2307). Congress also authorized VA to pay a plot or interment allowance for veterans who are eligible for burial in a national cemetery and who are not buried in such a cemetery (38 U.S.C. 2303(b)). Finally, Congress authorized VA to reimburse the cost of transportation of certain deceased veterans to the place of burial (38 U.S.C. 2303(a), 2308).

VA implemented its authority under chapter 23 in subpart B of 38 CFR part 3, specifically §§ 3.1600 through 3.1612. However, these regulations are poorly organized and difficult to understand.

The current rules are also flawed to the extent that they do not account for the current cost of a burial or funeral and inhibit VA's ability to automate the payment of burial benefits to certain beneficiaries. In a proposed rule published in the **Federal Register** on April 8, 2008 (73 FR 19,021), VA proposed to reorganize and rewrite in plain language provisions applicable to burial benefits. This proposed rule would build upon that earlier proposed rule. We propose to remove the current regulations and replace them with new §§ 3.1700 through 3.1713, which are written and organized for clarity and ease of use and are based, in part, upon the earlier proposed provisions. In addition, as described in detail below, we also propose to improve VA's delivery of these benefits by, among other things, automatically paying surviving spouses certain burial benefits when eligibility for those benefits can be determined from evidence of record, paying flat-rate burial and plot or interment allowances, and establishing a priority of payment for deceased veterans' survivors. We intend that these changes will allow VA to automate payment of a burial allowance to most surviving spouses and expedite the adjudication of all other burial benefits claims.

Background

VA and its predecessor agencies have a long history of paying monetary benefits for deceased veterans' burial and funeral expenses. In 1917, Public Law 65–90 authorized a maximum payment of $100 for a deceased servicemember's burial expenses and transportation of the remains to the servicemember's home. In 1924, Public Law 68–242 extended those benefits to certain veterans, but did not change the maximum benefit amount. Congress amended the law several times in subsequent years to add new entitlements and to increase the maximum benefit amount that VA may pay. However, the maximum burial allowance for non-service-connected death (''non-service-connected burial allowance''), currently $300, has not changed since the 1978 enactment of Public Law 95–479, the Veterans' Disability Compensation and Survivors' Benefits Act of 1978. While Congress increased the maximum burial allowance for service-connected death (''service-connected burial allowance'') in 1978 ($1,100), 1988 ($1,500), and 2001 ($2,000), there has been no recent increase, and with only a few exceptions (*see* 38 U.S.C. 2303) these benefits are not indexed to inflation. Currently, in almost all burial benefits claims, VA pays the maximum benefit authorized by law.

In a 2009 report, a congressional committee cited the National Funeral Directors Association's (NFDA) 2006 estimate for the average cost of a funeral ($7,323) and expressed concern that inflation had eroded the purchasing power of VA's burial benefits. *See* S. Rep. No. 111–71, at 28–29. In response to this concern, Congress enacted section 501 of the Veterans' Benefits Act of 2010 (Pub. L. 111–275), which increased (from $300 to $700) the burial allowance under section 2303(a) for a veteran who died while hospitalized by VA and the plot or interment allowance under section 2303(b). The law also added section 2303(c) to index the allowances paid under that section to inflation and ''preserve the purchasing power of the benefit[s].'' *See* S. Rep. No. 111–71 at 29.

In 2007 and 2008, VA's Office of Policy and Planning (OPP) conducted a study to determine whether VA's burial program was achieving expected outcomes and to determine the program's impact on veterans and families. *See* Evaluation of the VA Burial Benefits Program: Final Report, available at *http://www.va.gov/op3/docs/ProgramEvaluations/Final_Burial_Report_8-26-08.pdf.* OPP found that funeral costs had increased at a greater pace than the cost of other services since 1990. OPP noted that in 1973, the service-connected burial allowance covered 72 percent of a veteran's funeral and burial expenses, and the non-service-connected allowance covered only 22 percent of a veteran's funeral and burial expenses. The plot allowance covered only 54 percent of the cost of a deceased veteran's burial plot. According to OPP, by 2007, the value of these benefits had decreased significantly, and the service-connected burial allowance reimbursed only 23 percent of the cost of a veteran's burial, the non-service-connected burial allowance reimbursed only 4 percent of the cost of a veteran's burial, and the plot or interment allowance reimbursed only 14 percent of the cost of a plot.

The NFDA reports on its Web site, *www.nfda.org,* that the median cost of a funeral and burial was $7,045 in 2012. The reported cost did not include the cost of a vault or cemetery or other miscellaneous cash advance charges, such as charges for flowers or obituaries. Further, NFDA reports that the median cost for an adult burial and funeral in the United States had increased from $708 in 1960 to $7,045 in 2012. With one exception for plot or interment allowances paid to States, VA currently administers all monetary burial benefits on a reimbursement basis. In section 2302 regarding the non-service-connected burial allowance, Congress prescribed, ''the Secretary [of Veterans Affairs], in the Secretary's discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $300 to such person as the Secretary prescribes to cover the burial and funeral expenses.'' In section 2303(a)(1)(A) regarding deaths in a VA facility, Congress authorized VA to ''pay the actual cost (not to exceed $700 . . .) of the burial and funeral.'' In section 2307 regarding the service-connected burial allowance, Congress prescribed, ''the Secretary, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding . . . $2,000.'' Finally, in section 2303(b) regarding the plot allowance, Congress prescribed, ''the Secretary shall pay a sum not exceeding $700 . . . as a plot or interment allowance.''

VA originally created a reimbursement-based benefits system to implement these statutes. The reimbursement system that VA implemented in its current burial regulations is burdensome for claimants and difficult for VA to administer. Further, this system does not best reflect

what Congress intended. Legislative history demonstrates that Congress intended for payment of burial benefits to be uncomplicated and to draw on information within VA's control. For example, in passing the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35), Congress simplified the non-service-connected burial allowance criteria by linking eligibility to a veteran's entitlement to receive compensation or pension. Acknowledging increased burial benefits claims because of climbing death rates among World War II veterans, Congress' clear motivation was to make burial benefits ''easier to administer, i.e., through existing VA compensation and pension rolls.'' *See* S. Rep. No. 139, 97th 1st Sess. 1981 at 999; *see* also S. Rep. No. 71, 111th Cong., 1st Sess. 2009 at 28. We believe that automation of burial benefit payments and payment at a flat rate wherever possible based on data that VA maintains in its compensation and pension rolls is consistent with congressional intent in this regard.

Under current regulations, after VA determines basic eligibility for burial, e.g., whether the veteran had qualifying service and was in receipt of disability compensation or pension, survivors or other persons who incurred burial expenses must submit statements and proof of payment to establish entitlement. This procedure complicates VA's adjudication of burial claims and payment of benefits. As a result, the claimant, or in some cases the service provider, has the burden of carrying the full cost of the funeral and burial pending VA's reimbursement. Moreover, the reimbursement process is inefficient because it requires the careful review of a claimant's actual expenses and a precise calculation of burial costs for small, one-time benefit payments, when the average cost of a burial almost always exceeds by far the statutory maximum rate that VA is authorized to pay. The reimbursement system also impedes VA's efforts to automate payment of burial benefits based on information in VA systems on the date of a veteran's death. We estimate that VA could automatically provide a burial allowance to approximately 62,000 surviving spouses annually based on information in VA systems, if we simply paid the maximum burial allowance authorized by Congress.

Accordingly, we propose to amend VA's burial regulations to authorize the payment of flat-rate service-connected and non-service-connected burial allowances and the plot or interment allowance at the statutory maximum amount. VA has determined that it is not administratively efficient to adjudicate each burial benefit claim on a reimbursement basis when it is clear that the average cost of a burial far exceeds the maximum benefit authorized by Congress.

As of the end of April 2013, VA took an average of over 180 days to process a claim for burial benefits. The proposed rules would enable VA to process and pay an estimated 62,000 surviving spouses automatically, i.e., without application, in conjunction with the veteran's month-of-death benefit payment. This would relieve those survivors of the need to cover the veteran's funeral and burial expenses up front and wait for VA to provide reimbursement. Additionally, the automation of payments, revised priority of claimants, and simplified adjudication process included in these proposed rules will result in significant savings of administrative resources. As a result, VA could divert those resources away from adjudicating these small, one-time benefits, and expedite the adjudication of all other benefits claims.

3.1700 Types of VA Burial Benefits

Current regulations do not provide any introductory description of the types of burial benefits that VA has authority to pay. Proposed § 3.1700 would add clarity to the regulations by providing an up-front explanation of VA burial benefits by benefit type. Proposed paragraph (a) would list burial benefits that are ''allowances'' or one-time monetary payments.

While current burial regulations use the terms ''burial expenses'' and ''funeral expenses'' inconsistently, proposed paragraph (b) would clarify and liberalize VA's definition of ''burial.'' Under the proposed rule, the definition would be placed at the beginning of the subpart and expanded to ensure that readers know that VA pays burial benefits for all legal methods of disposing of a veteran's remains, including cremation, burial at sea, and medical school donation.

Proposed paragraph (c) would provide references to VA regulations governing benefits for memorialization or interment of deceased veterans and certain survivors. We included the phrase ''or interment'' after ''memorialization'' to clarify the distinction between interment and memorialization. ''Interment'' refers to the burial of casketed remains in the ground or the placement or scattering of cremated remains. ''Memorialization'' means any action taken to honor the memory of a deceased individual. 38 CFR 38.600.

3.1701 Deceased Veterans for Whom VA May Provide Burial Benefits

Under the definition in 38 U.S.C. 101(2), a ''veteran'' is a person who served in ''the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.'' Under section 2302, VA has authority to pay for certain burial expenses if the veteran was in receipt of compensation or pension benefits at the time of death, and for certain expenses for veterans of ''any war'' or veterans released from active service ''for a disability incurred or aggravated in line of duty . . . and with respect to whom the Secretary determines—(A) that there is no next of kin or other person claiming the body of the deceased veteran, and (B) that there are not available sufficient resources to cover burial and funeral expenses.'' As discussed below in this preamble, section 104 of Public Law 112–260, effective January 10, 2014, will amend section 2302(a)(2) by removing the wartime service and disability requirements for payment of the burial allowance for the unclaimed remains of veterans.

The introductory text in current 38 CFR 3.1600 defines the term ''veteran'' for burial benefit purposes as including a person who died during a period deemed to be active service under current 38 CFR 3.6(b)(6) that was terminated by a discharge or release under conditions that are other than dishonorable. VA further addressed the applicable service requirements in current 38 CFR 3.1600(b)(3), 3.1600(e), and 3.1601(a). We determined that these provisions could be clearer if VA addressed the service requirements for burial benefits in one place. Proposed § 3.1701 would describe the basic eligibility criteria for payment of burial benefits for a deceased veteran. It would clarify that a veteran must be deceased, and that burial benefits for that veteran must be authorized by a specific provision of law. Proposed § 3.1701 would also extend the definition of veteran to persons who died shortly after discharge or release from active service under 38 U.S.C. 106(c) as currently implemented by VA in § 3.6(b)(7).

An example of a ''specific provision of law'' would be 46 U.S.C. 11201(a), which prescribes burial allowance eligibility for Merchant Mariners who served between August 16, 1945, and December 31, 1946, and who meet the requirements of 46 U.S.C. 11201 through 11204, and are thus deemed to have served on active duty in the Armed Forces. Given this definition of

''veteran,'' we have determined that it would be unnecessary to include the provisions in current 38 CFR 3.1600(e) regarding categories of individuals who are not eligible for burial benefits in this proposed rule. Further, there are generally applicable provisions in title 38 of the CFR that prescribe the requirements for veteran status. There is no need to restate those provisions in proposed § 3.1701.

3.1702 Persons Who May Receive Burial Benefits; Priority of Payments

Apart from claims submitted by a State, or by an agency or political subdivision of a State, for the plot or interment allowance in section 2303(b)(1), the burial laws in chapter 23 do not specify who may receive burial benefits. *See* 38 U.S.C. 2302 (providing that VA ''may pay a sum not exceeding $300 to such person as the Secretary prescribes''); *see* also 38 U.S.C. 2307 (providing that VA ''shall pay the burial and funeral expenses incurred'' ''upon the request of the survivors'' without specifying which survivors VA shall pay). The law provides VA with discretion to prescribe who may be properly paid burial benefits.

Current §§ 3.1601 and 3.1602 prescribe who may sign a claim for the burial allowance and who may sign a claim for the plot or interment allowance; establish a priority of payment; and provide that, in some cases, VA will distribute burial benefits among payees. The current claimant-payment framework authorizes funeral directors to sign claims and prioritizes payment to funeral directors and other service providers before survivors. This system does not best reflect legislative intent and conflicts with VA's plan to automate and prioritize payment of burial benefits to surviving spouses. We therefore propose significant changes to VA's burial benefit claimant and payment regulations consistent with our authority to pay burial benefits. Significantly, we propose to establish a payment structure that authorizes VA to automatically pay surviving spouses when eligibility for burial benefits can be determined from the evidence of record.

Proposed § 3.1702(a) would describe in plain language VA's revised payment policy. VA would automatically pay the burial allowance to an eligible surviving spouse, regardless of a claim for that same benefit by other claimants, in conjunction with its payment of the month-of-death benefit prescribed in 38 CFR 3.20 and without the need for an application from the surviving spouse. As we describe in greater detail in the supplementary information on proposed § 3.1703 regarding claims for burial benefits, for purposes of these automated payments, the application would be the veteran's compensation or pension application and designation of a dependent spouse during the veteran's lifetime. VA would rely on the dependency information in its systems at the time of the veteran's death. At this time, VA does not have data to support automatic payments of burial benefits other than the burial allowance, but might automatically pay surviving spouses other VA burial benefits in the future when VA can determine eligibility for those benefits from the evidence of record.

Proposed § 3.1702(a) would establish priority for an eligible surviving spouse of record over all other potential claimants for burial benefits (except for the plot or interment allowance under 38 U.S.C. 2303(b)(1), which is payable only to a State, agency, or political subdivision). The rule would clarify that a surviving spouse who receives an automatic payment under paragraph (a) may later seek additional burial benefits, e.g., the plot or interment allowance, reimbursement of transportation expenses, and the service-connected burial allowance where the non-service-connected burial allowance was automatically paid but the surviving spouse is eligible for the higher service-connected rate, by filing a claim for those benefits on the form prescribed by VA.

Proposed § 3.1702(b) would establish a priority for VA's payment of burial benefits, excluding those automatically paid under proposed paragraph (a) and State claims for a plot or interment allowance under proposed §§ 3.1707 and 3.1708. Under the proposed rule, VA would pay, in order of precedence, a surviving spouse, child, or parent of the deceased veteran. If there is no surviving spouse, child, or parent to receive payment, VA would pay burial benefits to the executor or administrator of the deceased veteran's estate. Where there is no executor or administrator, VA would pay burial benefits based on a claim by a person acting on behalf of the deceased veteran's estate. VA would no longer prioritize payment to funeral directors or other service providers, but would pay survivors first with the expectation that survivors, particularly surviving spouses, would receive payments more quickly and thus be able to more expeditiously pay funeral directors and other service providers. The proposed rule would reinforce VA's proposed policy to pay a surviving spouse or family member first, and clarifies that VA will not divide or apportion payment of burial benefits among multiple claimants.

3.1703 Claims for Burial Benefits

Under 38 U.S.C. 2304, ''[a]pplications for payments under section 2302 . . . must be filed within 2 years after the burial of the veteran.'' Section 2302 authorizes VA to pay the non-service-connected burial allowance. Notwithstanding that there are no other statutory limitations on the filing of claims for burial benefits, the first sentence of current § 3.1601(a) applies a 2-year time limit to ''[c]laims for reimbursement or direct payment of burial and funeral expenses under § 3.1600(b) (the non-service-connected burial allowance) and plot or interment allowance under § 3.1600(f).'' The plot or interment allowance is authorized by 38 U.S.C. 2303(b), and therefore the statutory 2-year time limit does not apply to the plot or interment allowance. In proposed § 3.1703(a), we would clarify that the 2-year statutory time limitation applies only to claims for the non-service-connected burial allowance. Proposed § 3.1703(a)(2) specifies that claims for the non-service-connected burial allowance based on a corrected character of discharge must be filed no later than 2 years from the date that the discharge was corrected. The proposed rule would also clarify that no other time limitations apply to claims for burial benefits.

Proposed § 3.1703(b) would describe the evidence that is needed to substantiate a claim for burial benefits. Under 38 U.S.C. 5101(a) and 5107(a), claimants must file a claim with VA and provide evidence supporting such a claim. Current § 3.1601(b) implements sections 5101(a) and 5107(a) by requiring all claimants to file a claim for any burial benefit. As described above in the supplementary information on proposed § 3.1702, to facilitate automated payment of burial benefits VA would clarify in proposed § 3.1703(b)(1) that a surviving spouse is not required to file a separate claim for the burial benefits for which automatic payment is prescribed in proposed § 3.1702(a). For all other burial benefit claims, i.e., those not automatically paid under proposed § 3.1702(a), VA would still require claimants seeking burial benefits to file a claim on the prescribed VA form.

Under current law, e.g., 38 U.S.C. 2303(a)(1), VA generally reimburses claimants seeking burial benefits up to a statutory maximum amount. VA implemented this reimbursement framework in current § 3.1601(b)(1), which requires claimants to provide a ''[s]tatement of account'' showing the

''name of the deceased veteran, the plot or interment costs, and the nature and cost of services rendered, and unpaid balance.'' As previously explained, VA proposes to pay to eligible claimants the maximum benefit specified in sections 2302 (non-service-connected burial allowance), 2303(b)(2) (plot or interment allowance), and 2307 (service-connected burial allowance). Because VA would pay the maximum statutory benefit based solely on eligibility and a statement that burial expenses were incurred by a claimant who did not receive an automated payment, such claimants would no longer be required to provide a receipt or itemized bill to establish entitlement for these benefits. Based on the average cost of funeral and burial, estimated to exceed $7,045 as described above, and agency experience that in the vast majority of cases VA already pays the maximum benefit permitted by law, it is reasonable for VA to establish a rule whereby VA will pay automatically the statutory maximum benefit based on a presumption that the expenses incurred were at least equal to the statutory maximum, unless VA has evidence to the contrary on the date it receives notice of the veteran's death.

Section 2307 directs VA to pay a service-connected burial allowance ''upon the request'' of a veteran's survivors. No other burial statute includes specific language regarding a claim being required before benefits are paid. However, more generally, 38 U.S.C. 5101(a)(1) requires that a ''specific claim in the form prescribed by the Secretary . . . must be filed in order for benefits to be paid or furnished to any individual under the laws administered by the Secretary.'' VA proposes to pay the service-connected and non-service-connected burial allowances automatically to a surviving spouse where VA has the necessary information in its compensation and pension records at the date of the veteran's death. For purposes of these payments, VA will consider the veteran's application for disability compensation or pension, and the veteran's designation of a dependent spouse during the veteran's lifetime, as the surviving spouse's ''request'' for burial benefits under section 2307. By designating a spouse during his or her lifetime, a veteran can be considered to have indicated a desire for the spouse to receive the benefits to which he or she may become entitled incidental to the veteran's death. Coupled with the notification of death, which is typically provided by or on behalf of a surviving family member, VA will consider the claim requirements of 38 U.S.C. 5101(a)(1) met for purposes of paying a surviving spouse burial benefits when a veteran dies with a surviving spouse of record. This is a policy decision based on the specific nature of burial benefits which are relatively small, one-time payments. As discussed above, we estimate that these changes would enable VA to pay approximately 62,000 surviving spouses an automated burial benefit payment soon after the veteran's death and in conjunction with the month-of-death payment.

Whereas sections 2302, 2303(b), and 2307 provide the Secretary discretion to pay a flat-rate ''sum'' or ''amount'' for burial benefits, sections 2303(a) and 2308 do not. Section 2303(a) expressly limits VA payment of benefits to the ''actual cost'' incurred by the claimant. Because of this statutory restriction, VA cannot pay flat rate burial benefits for a veteran who dies in a VA facility. In order to pay the section 2303(a) benefit, VA will require evidence of the actual cost incurred and continue to pay the burial allowance for this particular benefit on a reimbursement basis.

Similarly, VA would still pay transportation benefits under section 2308 on a reimbursement basis as provided in current regulations. This is because section 2308 specifies that the payment ''shall not exceed the cost of transportation to the national cemetery nearest the veteran's last place of residence in which burial space is available.'' Unlike under sections 2302, 2303(b), and 2307, this limitation on the amount requires VA to determine on a case-by-case basis the specific distance traveled and amounts paid. Because section 2308 does not establish a statutory maximum payment and therefore requires an individualized evaluation of costs, proposed § 3.1703(b)(2) would require claimants to provide a receipt when seeking reimbursement for transportation expenses. The proposed rule permits claimants to provide a receipt showing costs incurred, the dates of the services rendered, the name of the deceased veteran who was transported, and the name of the person who paid the transportation charges. This information would be required so VA can ensure accuracy in its adjudication of claims for reimbursement of transportation expenses.

Finally, the proposed paragraph would require that VA ''receive'' the evidence described, whereas current § 3.1601(b) requires that the claimant ''submit'' such evidence. The proposed language mirrors the language of section 2304 and recognizes that VA may request additional evidence necessary to complete the application. *See* 38 U.S.C. 2304.

Proposed paragraph (b)(3) is derived from the second sentence of current § 3.203(c), which states that in a claim for the non-service-connected burial allowance, evidence of service that VA relied upon to award compensation or pension during the veteran's lifetime will be sufficient to prove military service for purposes of the burial allowance, unless VA has evidence on the date it receives notice of the veteran's death that creates doubt as to the correctness of that evidence of service. In proposed § 3.1703(b)(3), we would expand upon the language in § 3.203 to provide that VA may establish eligibility for any burial benefit based upon the evidence of service and disability that VA relied upon to grant disability compensation or pension during the veteran's lifetime, unless there is other evidence to the contrary.

3.1704 Burial Allowance Based on Service-Connected Death

Section 2307 provides that when a veteran dies as a result of a service-connected disability or disabilities, VA will pay the greater of $2,000 or the amount payable under 5 U.S.C. 8134(a). Payments made under section 2307 are in lieu of payment under sections 2302 (non-service-connected burial allowance) and 2303(b)(2) (plot or interment allowance and for burial of veterans whose death occurred while hospitalized by VA).

VA implemented the ''service-connection'' requirement and payment limits in current 38 CFR 3.1600(a), which limits payment to the amount specified in section 2307 ($2,000). In current §§ 3.1601 and 3.1602, VA implemented a reimbursement process that requires claimants to submit evidence of the burial expenses they incurred, after which VA calculates the cost of the veteran's burial and pays on a reimbursement basis up to a statutory maximum. As previously discussed, the reimbursement requirement unnecessarily burdens claimants and hinders VA's ability to provide automated payments to survivors upon notice of death. Accordingly, VA proposes in § 3.1704(a) to pay the service-connected burial allowance at the statutory maximum rate.

Together with the changes proposed in § 3.1702 (prioritizing payment to surviving spouses), proposed § 3.1704 would enable VA to automatically pay certain eligible surviving spouses the $2,000 service-connected burial allowance upon notice of the veteran's death. VA's adoption of a flat-rate payment is justified for two reasons.

First, under 5 U.S.C. 8134(a), the Government may pay up to $800 for the funeral and burial expenses of an employee who dies in performance of his or her duty. Thus, the $2,000 service-connected burial allowance always constitutes the ''greater of'' the amounts payable under the statutes. Second, while the average cost of a burial in the United States has increased to over $ 7,045 (2012), the amount payable under section 2307 has not increased since 2001. *See* Public Law 107–103. Proposed paragraph (a) would prescribe the general rule regarding the service-connected burial allowance and would require that VA pay the maximum allowance specified in section 2307, unless VA has evidence on the date it receives notice of the veteran's death that the costs incurred were less than the statutory maximum. The last sentence of proposed paragraph (a) would clarify that, subject to proposed paragraph (c), payment of the service-connected burial allowance is in lieu of other burial allowances. Because the amount specified by section 2307 is greater than that specified by section 8134(a), the average cost of a burial far exceeds the $2,000 statutory maximum allowance, and VA already pays the statutory maximum benefit in over 78 percent of claims (as indicated in a 2013 VA review of burial payments made over a five-month period), it is reasonable for VA to presume that the costs incurred met or exceeded the statutory maximum, unless VA has evidence to the contrary on the date it receives notice of the veteran's death.

Proposed paragraph (b) states that veterans who die as a result of a service-connected disability or disabilities would be eligible for the service-connected burial allowance. The paragraph also would establish that eligibility for the service-connected burial allowance exists for veterans with a total service-connected disability rating on the date of death. Section 2307 requires VA to pay the service-connected burial allowance when a veteran ''dies as the result of a service-connected disability or disabilities.'' Under 38 U.S.C. 501(a), VA has authority to prescribe rules necessary to carry out the laws administered by VA, including ''regulations with respect to the nature and extent of proof and evidence and the method of taking and furnishing them in order to establish the right to benefits under such laws.'' Consistent with this authority, VA has made a policy decision to automatically pay the service-connected burial allowance when the veteran died with a service-connected disability or disabilities rated totally disabling at the date of death, excluding a total disability rating based on individual unemployability. This automatic payment is based on a presumption that the veteran died as the result of a service-connected disability or disabilities, unless VA has evidence to the contrary on the date it receives notice of the veteran's death. In proposed § 3.1704(b), we would clarify that VA pays the service-connected burial allowance in such situations.

VA's policy decision is supported by the fact that VA already pays the service-connected burial allowance in the majority of cases in which the veteran dies with a total service-connected disability rating. In fiscal year (FY) 2011 and FY 2012, VA paid the service-connected burial allowance in 88 percent of claims in which, on the date of the veteran's death, the veteran was rated totally disabled for a service-connected disability or disabilities. Because VA already grants the service-connected burial allowance in the vast majority of such cases, we would prescribe a rule in proposed paragraph (b) that when a veteran dies with a total service-connected disability rating on the date of death, the veteran's eligible survivor is entitled to the service-connected burial allowance. This simplified criterion would facilitate the automatic payments VA contemplates. That automation, and the resultant reduction in VA's administrative workload, would enable VA to divert those resources to processing other claims for VA benefits. VA does not currently, however, have information to enable automated payment of the service-connected burial allowance to surviving spouses of veterans with less than a total service-connected disability rating, including surviving spouses of veterans with a total disability rating based on individual unemployability under 38 CFR 4.16. Such spouses would receive an automated non-service-connected burial allowance payment and could seek additional burial benefits as prescribed in these proposed rules.

Proposed paragraph (c)(1) restates the provisions for payment of transportation expenses for service-connected death in current § 3.1600(g). Proposed paragraph (c)(2) would authorize VA to pay States the plot or interment allowance for burial in a State veterans cemetery under proposed § 3.1707(a), in addition to the service-connected burial allowance. This revision would reflect the amendment made to 38 U.S.C. 2307 by section 501 of the Veterans Benefits Act of 2003 (Public Law 108–183). Prior to the enactment of Public Law 108–183, the statutes in chapter 23 did not authorize a separate plot or interment allowance in cases where VA paid the service-connected burial allowance.

3.1705 Burial Allowance Based on Non-Service-Connected Death

Section 2302(a) authorizes the Secretary, in the Secretary's discretion, to pay up to $300 to cover the burial and funeral expenses of a deceased veteran and the expense of preparing the body and transporting it to the place of burial. Current section 2302 limits eligibility for this burial allowance to two groups of veterans: (1) Veterans who were in receipt of VA disability compensation or pension at the time of death or who, but for their receipt of military retirement pay, would have been entitled to receive compensation at the time of death, and (2) veterans who served in a war or were released from active service due to disability incurred or aggravated in line of duty and whose body is held by a State (or political subdivision of the State) and for whom VA determines there is no next of kin and insufficient resources to pay for the veteran's funeral.

Section 104 of Public Law 112–260, effective January 10, 2014, will amend section 2302(a)(2) by removing the wartime service, disability, and held-by-a-State requirements for payment of the non-service-connected burial allowance for the unclaimed remains of indigent veterans. This liberalization would be implemented in proposed § 3.1708 and would not be part of proposed § 3.1705.

VA implemented section 2302(a) in current §§ 3.1600(b) (prescribing eligibility) and 3.1601 (prescribing claim and evidentiary requirements). These regulations provide that VA will pay the non-service-connected burial allowance on a reimbursement basis. VA's experience is that the current reimbursement process is burdensome for both claimants and VA and effectively prohibits VA from automating these small, one-time payments. We have determined that it is no longer practical to administer these benefits on a reimbursement basis when it is clear that the average cost of a burial far exceeds the maximum burial allowance authorized by Congress under section 2302(a). Accordingly, we propose in § 3.1705(a) to pay the maximum burial allowance prescribed in section 2302 ($300) when a claimant is eligible for the benefit.

Section 2302 provides VA with discretion, based on the circumstances in each case, to ''pay a sum not exceeding $300 to such person as the Secretary prescribes to cover the burial and funeral expenses of the deceased

veteran and the expense of preparing the body and transporting it to the place of burial.'' Here, the circumstances of such payments and the information available to us regarding the average cost of a burial support a rule under which VA would pay the statutory maximum benefit. Over a 5-month period in FY 2013, using the current reimbursement scheme, VA paid over 97 percent of approximately 12,400 burial claimants the maximum $300 payment. The regulatory requirement for survivors to submit statements and receipts supporting entitlement to a small, one-time payment when VA knows that the average cost of a burial is over $ 7,000 is unreasonable and unjustified from a program management perspective. Further, the nature of the benefit does not justify the time and expense required for VA to calculate a precise reimbursement or the delays that survivors currently experience. VA systems generally contain sufficient information to grant and pay this benefit, such as information identifying an eligible surviving spouse and information confirming basic eligibility, e.g., the deceased veteran's receipt of pension or compensation at the time of death. As a result, VA estimates that it could automate the adjudication and payment of approximately 62,000 burial claims annually without requiring an application from a surviving spouse under the provisions proposed in this rulemaking. Given that VA has authority to pay up to the maximum benefit, that it pays nearly all claimants the maximum benefit, that the reimbursement requirement delays the payment of benefits, and that VA could immediately pay thousands of surviving spouses upon notice of a veteran's death, the circumstances support our proposal to pay survivors the maximum benefit under § 3.1705(a).

Proposed paragraph (b) would prescribe eligibility requirements that are consistent with the requirements in current § 3.1600(b)(1) and (2), except as noted below. Current § 3.1600(b)(2) provides eligibility for the non-service-connected burial allowance if the deceased veteran had a ''reopened claim'' for pension or disability compensation pending at the time of the veteran's death. Rather than refer to a ''reopened claim,'' in proposed paragraph (b)(3)(ii) we would refer to a ''claim to reopen.'' The rationale for awarding the non-service-connected burial allowance based on a pending claim is that a veteran may have met the prerequisite for an award of the non-service-connected burial allowance (i.e., the veteran would have been receiving pension or disability compensation when the veteran died) if the veteran had not died before VA granted the veteran's pending claim for compensation or pension. Thus, it is important that the veteran's claim to reopen was filed, but it matters less whether VA actually reopened the claim. In other words, the proposed language more accurately describes the regulatory requirement that the veteran initiate the claim-adjudication process during his or her lifetime and that the claim is still pending at the time of death. The use of the phrase ''claim to reopen'' rather than ''reopened claim'' is not a substantive change; it merely clarifies the intended effect of § 3.1600(b)(2). Finally, to account for the possibility of substitution under 38 U.S.C. 5121A, proposed paragraph (b)(3)(iii) extends eligibility for the non-service-connected burial allowance to a person with a pending claim who has substituted for a deceased veteran and whom VA has subsequently granted pension or disability compensation. The eligibility requirements in current § 3.1600(b)(2) include a pending original claim for pension or compensation that would have been granted based upon the ''evidence of record'' on the date of death but for the veteran's death. We believe it would be helpful to clarify for the public the meaning intended by the phrase ''evidence of record.'' We propose to use ''evidence in the claims file on the date of the veteran's death,'' which is more explicit, and define that phrase in proposed paragraph (c). This is consistent with the manner in which VA adjudicates claims for accrued benefits by the survivors of deceased veterans (*see* 38 CFR 3.1000) and with VA's long-standing practice for adjudicating claims under § 3.1600(b)(2). We also believe it is fair to claimants and places a reasonable burden upon VA adjudicators to be constructively in possession of evidence located in VA medical centers or similar VA facilities.

Proposed paragraph (d) states that if the veteran had either an original claim or a claim to reopen pending at the time of death, but the information in the claims file is not sufficient to award pension or compensation effective before the date of death, VA will request such evidence. If the evidence is not received within 1 year from the date of the request, VA will not award the burial allowance. Current § 3.1600(b)(2) does not reflect VA's intent because the provision governing additional evidence appears only in paragraph (b)(2)(ii), which addresses only reopened claims, and not in paragraph (b)(2)(i), which addresses original claims. We believe VA's intent would be clarified if the proposed regulation specifically refers to both a pending original claim and a pending claim to reopen.

Proposed paragraph (e) would identify the additional burial benefits—plot or interment allowance and transportation reimbursement—potentially available in cases of non-service-connected death and would provide cross-references to the regulations governing those payments. Pursuant to section 2308, transportation reimbursements would be payable only if the veteran was in receipt of compensation rather than pension, or eligible for receipt of compensation but for receipt of military retired pay. Proposed paragraph (e) would reflect this limitation.

3.1706 Burial Allowance for a Veteran Who Died While Hospitalized by VA

When a veteran dies while hospitalized by VA, section 2303(a) authorizes VA to pay the actual cost, not to exceed $700 (increased annually for inflation) toward the cost of the veteran's burial and funeral. Specifically, if the veteran died in a VA facility, as defined under 38 U.S.C. 2303(a)(2), to include an institution at which the veteran was receiving certain types of statutorily authorized care, e.g., a hospital, nursing home, or domiciliary care, in a non-VA facility for contract hospital care or medical services, in a VA-contracted nursing home, or in a State home for hospital, nursing home, or domiciliary care, then VA pays the veteran's burial and funeral costs up to the statutory maximum. Additionally, VA pays the cost of transporting such veteran's remains to the place of burial in any State, as authorized by section 2303(a).

Currently, there are two implementing regulations for this benefit, 38 CFR 3.1600(c) and 38 CFR 3.1605. Having two regulations with different standards for the same benefit causes unnecessary confusion. In addition to addressing the eligibility of veterans who die in VA facilities (to include VA-contracted facilities and VA-paid State nursing homes), § 3.1600(c) covers veterans who die while in transit to or from such facilities. Current § 3.1605 provides additional and more complex criteria for ''[d]eath while traveling under prior authorization or while hospitalized by'' VA. Although current § 3.1600(c) covers veterans who die while being transferred for purposes of specific types of care, current § 3.1605(a) provides eligibility if a veteran dies on the way ''to or from a specified place'' for certain purposes including

examination while excluding ''hospitalization in the Philippines.'' Current § 3.1605(b) denies eligibility for transportation expenses for ''retired persons hospitalized under section 5 of Executive Order 10122 . . . issued pursuant to Public Law 351, 81st Congress, and not as Department of Veterans Affairs beneficiaries.'' Section 5 of Executive Order 10122 pertains to current and former servicemembers who were hospitalized for chronic diseases between May and October of 1950. Executive Order 10122 is more than half a century old and applied to a very small group of veterans. Therefore, the reference is obsolete.

Current § 3.1605(c) extends entitlement to the burial allowance to the following veterans who die while properly hospitalized by VA: (1) Discharged or rejected draftees; (2) members of the National Guard who reported for service in answer to the President's call for World War I, World War II, or Korean service, but when medically examined were not accepted for active military service; or (3) a veteran discharged under conditions other than dishonorable from a period of service other than a war period. With respect to the individuals described in § 3.1605(c)(1) and (2) (draftees and National Guard members not accepted for active service), they are considered veterans and are eligible for burial benefits pursuant to current 38 CFR 3.7(o) if they suffer injury or disease while traveling to or from the place of acceptance for service. Regarding veterans discharged under conditions other than dishonorable from a period of service other than a war period, they are included in the definition of ''veteran'' under proposed § 3.1701 and, as such, are eligible for burial benefits.

Under current § 3.1605(d), some veterans who die while temporarily absent from VA facilities are considered eligible for a burial allowance under section 2303(a). Current § 3.1605(e) states, ''[w]here a deceased person was not properly hospitalized, benefits will not be authorized under this section.'' Given that section 2303(a) is clear and specific as to the criteria for eligibility, we have determined that the provision in current § 3.1605(e) is unnecessary.

Currently, VA pays the allowance under § 2303(a) on a dollar-for-dollar, cost-reimbursement basis. Under proposed § 3.1706, VA would continue to do so because of statutory language prescribing payment of ''actual cost[s].'' Accordingly, VA could not automatically pay claimants for section 2303(a) benefits the statutory maximum as a flat rate. Proposed § 3.1706 would also combine in one regulation the broad definition of ''hospitalized by VA'' in current § 3.1600(c) and the highly technical description of veterans who die while en route to a facility in current § 3.1605. Reimbursement of transportation expenses would be calculated based on proposed § 3.1709.

3.1707 Plot or Interment Allowances for Burial in a State Veterans Cemetery or Other Cemetery

Under two circumstances, section 2303(b) authorizes VA to pay a plot or interment allowance for a veteran who, although eligible for burial in a national cemetery under 38 U.S.C. 2402, is not buried in a national cemetery. If the veteran is buried, without charge for the cost of the plot or interment in a State-owned cemetery (or section of a State-owned cemetery) used solely for the burial of persons who are eligible for burial in a national cemetery and of deceased Reservists or former Reservists who are not eligible for burial in a national cemetery, VA pays the State (or political subdivision of the State) $700 (increased for inflation) as a plot or interment allowance. If the veteran is eligible for the non-service-connected burial allowance or the burial allowance for veterans who die while hospitalized by VA (i.e., not eligible for the service-connected burial allowance), or if the veteran was discharged from active service for a service-connected disability and the veteran is buried in a cemetery other than one described in the previous sentence, VA pays a plot or interment allowance of up to $700 (increased for inflation).

The current implementing regulations for the plot or interment allowance are 3.1600(f), 3.1601(a)(3), and 3.1604(d). Section 3.1600(f) divides claims for the plot or interment allowance into two categories. Paragraph (f)(1) provides the criteria for payment of the plot or interment allowance applicable to claims filed on or after December 16, 2003; the deceased veteran must be eligible for burial in a national cemetery but buried elsewhere. Plot or interment allowance claims filed before December 16, 2003, are covered by the more complex criteria in paragraph (f)(2), which requires that the deceased veteran be eligible for the non-service-connected burial allowance or the burial allowance for death in a VA facility. *See* 38 CFR 3.1600(f)(2)(i). Respectively, paragraphs (f)(2)(ii) and (f)(2)(iii) allow claims for the plot or interment allowance when the deceased veteran served during a period of war or was discharged for a disability incurred in the line of duty. Paragraph (f)(2)(iv) repeats the statutory requirement that the deceased veteran is not buried in a national cemetery or other cemetery under the jurisdiction of the United States.

The rules for what constitutes a plot or an interment expense for purposes of section 2303(b) are in current § 3.1601(a)(3), while the rules for VA's payment of plot or interment allowance to a State (or a political subdivision of a State) are in current § 3.1604(d).

In proposed § 3.1707, we would restructure and consolidate the current rules governing the plot or interment allowance and establish a flat-rate payment at the statutory maximum amount. VA currently pays States the enumerated statutory benefit for plot or interment allowance, i.e., a flat-rate payment, as required by section 2303(b)(1). Additionally, paying individual claimants at the statutory maximum rate reflects the reality that the average cost of a burial plot exceeds the benefit amount. Furthermore, paying the maximum rate prescribed in section 2303(b)(2) would facilitate VA's efforts to efficiently pay the benefit.

Proposed § 3.1707(a) would replace current § 3.1604(d) governing VA payment of the plot or interment allowance under section 2303(b)(1) to a State (or a political subdivision of the State) that buried a veteran without charge for the plot or interment. Proposed § 3.1707(b) would clarify that VA pays the plot or interment allowance without regard to whether any other burial benefits were provided for that veteran in the circumstances described in proposed § 3.1707(b)(1)–(3). The proposed rule would not include the caveat in current § 3.1604(d)(1)(v) limiting authorization of payments for veterans ''buried on or after October 1, 1978.'' It is unlikely that VA will receive claims for the plot or interment allowance, especially claims by a State, based upon a burial that occurred more than 30 years ago. We do not have record of receiving such a claim within the previous 3 years. Accordingly, we do not propose to include the provision.

Proposed § 3.1707(c) would govern payment of the plot or interment allowance for burials in a cemetery that is not a State cemetery. It would be substantively similar to current § 3.1600(f); however, the proposed rule would contain a technical correction removing from a parenthetical reference in current § 3.1600(f)(2)(iii) extraneous language describing evidence showing a discharge from service due to disability. The substantive effect of the rule, as reorganized, would be consistent with other rules in 38 CFR part 3 that contain language similar to current § 3.1600(f)(2)(iii) but without the technical error. *See,* e.g., 38 CFR

3.3(a)(1)(ii), 3.12a(d)(2). We would consolidate within proposed § 3.1707(c), essentially unchanged, the current definitions of ''plot,'' ''burial plot,'' and ''plot or interment expenses.''

3.1708 Burial of a Veteran Whose Remains Are Unclaimed

Currently, section 2302(a)(2) authorizes VA to pay up to $300 for a veteran of any war or a veteran who was discharged or released from active service for a service-connected disability, whose remains are unclaimed and held by a State (or political subdivision of the State), and for whom VA determines there are insufficient resources to cover burial and funeral expenses. Effective January 10, 2014, section 104 of Public Law 112–260 will amend section 2302(a)(2) such that VA may pay the non-service-connected burial allowance for any deceased veteran based upon a VA finding that there is no next of kin or other person claiming the remains and that there are insufficient resources to cover the cost of the veteran's burial and funeral. Essentially, the Public Law eliminates from section 2303(a)(2) the requirement for either wartime service or for discharge based on disability incurred in line of duty so that the Secretary may pay benefits if the remains of an indigent veteran are unclaimed.

VA implemented current section 2302(a)(2) in § 3.1600(b)(3). Proposed § 3.1708 would implement the liberalizing provisions of Public Law 112–260 by eliminating the wartime service, disability, and held-by-a-State requirements in current § 3.1600(b)(3).

Current § 3.1601(b)(5) requires a written certification by a responsible State official that no one is claiming the veteran's remains and there are not sufficient resources available in the veteran's estate to cover burial and funeral expenses. Under current § 3.1603, a claimant seeking benefits for purposes of burying the unclaimed remains of a deceased veteran must search for friends and relatives of that deceased veteran and provide a statement documenting unsuccessful efforts to locate any friends or relatives to claim that deceased veteran's remains. Proposed § 3.1708 removes the requirement that claimants provide a statement showing the efforts made to locate relatives or friends because VA no longer considers this information necessary and requiring such information is inconsistent with our efforts to improve the efficiency of claim processing.

Finally, effective January 10, 2014, section 104 of Public Law 112–260 will amend section 2308 to extend eligibility for the transportation reimbursement for burial in a national cemetery where VA determines the veteran's remains are unclaimed as described under 38 U.S.C. 2302(a)(2)(A). Proposed paragraph (c) would reflect this expanded benefit eligibility.

3.1709 Transportation Expenses for Burial in a National Cemetery

Under 38 U.S.C. 2308, VA has authority to reimburse certain transportation expenses of a veteran's remains to a national cemetery when the veteran's death resulted from a service-connected disability or the veteran was in receipt of, or entitled to receive, disability compensation at the time of death. As described above, section 104 of Public Law 112–260 will amend the statute, effective January 10, 2014, to authorize VA to pay (in addition to the existing categories of eligible beneficiaries) for the transportation of unclaimed remains of certain veterans. Paragraphs (b) and (d) of proposed § 3.1709 are derived from and consistent with current § 3.1600(g). Proposed paragraph (b)(4) would implement Public Law 112–260 by permitting VA to reimburse the transportation expenses for unclaimed veterans' remains.

VA reimburses claimants for the cost of transporting a veteran's remains to the place of burial, subject to applicable limits, (1) when a veteran dies while hospitalized by VA (38 U.S.C. 2303(a)), or (2) when a veteran dies as the result of a service-connected disability or was in receipt of or entitled to disability compensation (38 U.S.C. 2308). Proposed paragraph (e) restates current § 3.1606 with only minor technical changes. We do not intend any substantive changes.

Neither section 2303 nor 2308 specifies what specific transportation costs are reimbursable by VA. Current § 3.1606, however, limits reimbursement of transportation costs to specifically enumerated charges. The current rule is confusing for claimants and unnecessarily restricts VA's discretion to reimburse any reasonable transportation costs for which we receive a claim and sufficient supporting evidence as described in proposed 3.1703(b)(2). Therefore, proposed § 3.1709(d) states simply that VA will reimburse any reasonable transportation expense, including but not limited to the costs of shipment via common carrier and costs of transporting the remains to the place of burial. Proposed paragraph (d)(2) would clarify that a reasonable expense would be the usual and customary charge made to the general public. The proposed rule implements the governing statutes while providing VA the flexibility to reimburse claimants for any reasonable expense for which they submit a claim.

3.1710 Escheat (Payment of Burial Benefits to an Estate With No Heirs)

Proposed § 3.1710 restates current § 3.1602(d). We do not intend any substantive change by moving the current provisions to proposed § 3.1710.

3.1711 Effect of Contributions by Government, Public, or Private Organizations

Sections 2302 and 2303(b) contain specific language that limits veterans' burial benefits if the veterans' burial and funeral expenses have been paid for, in part or in full, by certain governmental and non-governmental organizations. Section 2302(b) states, with respect to the non-service-connected burial allowance, that ''no deduction shall be made from the burial allowance'' unless the expenses incurred were covered by payment from the United States, a State, any agency or political subdivision of the United States or a State, or the veteran's employer. Section 2303(b)(2) states, with respect to the plot or interment allowance, that VA shall pay a plot or interment allowance unless any part of the veteran's plot or interment expenses were paid for or assumed by a State, or an agency or political subdivision thereof, or by the veteran's former employer. VA is not required to deduct contributions from other sources. Section 2303(a) (providing burial allowance for death in a VA facility), section 2307 (providing the service-connected burial allowance), and section 2308 (providing for reimbursement of transportation expenses) do not require VA to reduce benefits paid based on contributions from other sources.

VA implemented these provisions in current § 3.1604 regarding payments from non-VA sources. Consistent with VA's current reimbursement-based system, VA reduces burial benefits based on contributions from other sources. Current § 3.1604(a) prescribes a reduction of benefits based upon contributions from Federal or State governments, employers, and ''other public or private organization[s] such as a lodge, union, fraternal or beneficial organization, society, burial association or insurance company.'' Additionally, § 3.1604 applies to all burial benefits, including service-connected burial allowance and transportation reimbursement.

Proposed § 3.1711 would liberalize VA's policy regarding contributions from other sources to ensure the

broadest possible delivery of benefits. The proposed rule would eliminate the requirement for VA to consider contributions from other sources when awarding the non-service-connected burial allowance. Such consideration is unnecessary for two reasons. First, as stated previously, the average cost of a funeral and burial (estimated at over $7,000) far exceeds the amount of the benefit ($300). Data shows that almost 98 percent of claimants for the non-service-connected burial allowance already receive payment at the statutory maximum rate even when contributions from other sources are considered. It is unnecessary for VA to consider contributions from other sources when we already pay the maximum rate in virtually every case and where contributions from government and employer sources rarely if ever cover the complete costs of funeral and burial such that a claimant would not be eligible for the non-service-connected burial allowance. Second, withholding payment of the burial allowance until VA obtains evidence of contributions would frustrate VA's efforts to automate this benefit. Where permissible, VA plans to automatically pay a burial allowance to the surviving spouse of record based on evidence in its systems immediately upon notice of the veteran's death based on a presumption that contributions from other sources will not cover the complete costs of funeral and burial, unless VA has evidence on the date that it receives notice of the veteran's death that the expenses incurred were less. VA cannot perform this automation if it must also wait for any potential contributions, which may or may not happen, to consider the impact of such contributions on the award of benefits. Because the benefit amount is so small and the cost of funeral and burial so great, and in order to foster VA's efforts to automate, we would establish a rule that those who are eligible for the non-service-connected burial allowance are eligible for the full, statutory maximum burial allowance without regard to any potential contributions from government or employer sources.

Current § 3.1604(a)(1) and (2) describe instances in which contributions by another source would not bar payment of burial benefits, including where contribution results from ''[a] contract or policy which provides for payment at death.'' The proposed rule would not include this treatment. The proposed rule would specify that VA will only consider contributions from a government or employer source. Because the proposed rule would be clear, we do not need to discuss the contributions that do not bar payment of burial benefits.

Proposed paragraph (a) would describe how VA will account for contributions toward a veteran's plot or interment expenses. If VA receives a claim for plot or interment allowance and has evidence that a government or employer source contributed toward the veteran's plot or interment expenses, VA will pay the statutory maximum plot or interment allowance ($700) minus the amount of any contribution to that expense paid by all such sources.

Proposed paragraph (b)(1) is derived from current § 3.1604(b)(1) and (2). The proposed paragraph differs from the current rule in several respects. Current § 3.1604(b)(1) proscribes VA's payment of burial benefits where the veteran is entitled to similar benefits under the United States Employees' Compensation Act or other similar laws. By specifically referencing the Employees' Compensation Act, the rule may be misread to apply only when the deceased veteran was a Federal employee. However, section 2302(b) requires VA to withhold the non-service-connected burial allowance ''in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.'' We propose to use language that is similar to the statutory language to ensure that the law is given its full, intended effect.

In addition, current § 3.1604(b)(1) states that, where a law specifically provides for ''payment of the expenses of funeral, transportation, and interment out of Federal funds, burial allowance will not be authorized.'' The proposed rule would clarify that this bar is applicable only to the non-service-connected burial allowance. Although section 2302(b) bars payment of the non-service-connected burial allowance under those circumstances, section 2307 contains no such bar for the service-connected burial allowance. Likewise, section 2303 contains no such bar for the burial allowance paid for veterans who die in a VA facility or for the plot or interment allowance.

Proposed paragraph (b)(1) also specifies that VA will pay the non-service-connected burial allowance if another Federal law permits, but does not specifically require, payment of the veteran's funeral and burial expenses using funds due, or accrued to the credit of, the deceased veteran. As discussed previously, VA proposes to establish a rule that any contribution that may or may not be made by another Federal source will not cover the full cost of the veteran's funeral and burial and will not negate entitlement to the non-service-connected burial allowance at the maximum rate.

Proposed paragraph (b)(2) is derived from current § 3.1604(b)(3) and would provide that VA will not pay or will recoup the non-service-connected burial allowance for deaths occurring during active or for other deaths for which the service department pays the burial, funeral, or transportation expenses. This paragraph is necessary because 38 U.S.C. 2302(b) requires deduction from the non-service-connected burial allowance when the expenses incurred are ''covered by the amount actually paid therefor by the United States.'' Particularly relevant to this analysis, 10 U.S.C. 1482(b) authorizes the service departments to pay funeral expenses for servicemembers who die in a duty status covered in 10 U.S.C. 1481. Thus, if VA learns that a service department has already paid a survivor burial expenses, then VA may deny the claim or recoup an automatic payment for non-service-connected burial allowance. Proposed paragraph (b)(3) would provide that in those limited cases where a veteran dies while hospitalized at the expense of the U.S. government and benefits would be payable under 10 U.S.C. 1482(b) and a provision under subpart B, only one of these benefits is payable. This rule is consistent with VA's current policy.

3.1712 Effect of Forfeiture on Payment of Burial Benefits

Proposed § 3.1712(a) would restate, in plain language, current § 3.1609(a). There are only two substantive changes in proposed paragraph (b). The first is to remove the provision of current § 3.1609(b) regarding a Presidential pardon regarding a treasonous or subversive act during the veteran's lifetime. There is no such provision in 38 U.S.C. 6103 or 6104.

The second substantive change is to specify that ''burial benefits'' will not be paid if the veteran or claimant forfeited rights to such benefits based on treasonous or subversive activities. This would include transportation reimbursement, whereas the current § 3.1609(b) limits payments of only the ''[b]urial and plot or interment allowance.'' Section 6104(a) bars receipt of all benefits if a veteran is guilty of treasonous acts, and section 6104(c) removes the Secretary's discretion to pay the veteran's dependents any portion of benefits forfeited after September 1, 1959. Similarly, section 6105 bars receipt of any benefit for both veterans and their dependents for veterans convicted of subversive activities. The proposed rule clarifies

that no burial benefit shall be awarded based on veterans convicted of crimes described in section 6104 or 6105.

3.1713 Eligibility Based on Status Before 1958

We propose to remove current 38 CFR 3.954, Burial allowance, and address its provisions in proposed 3.1713. Under 38 U.S.C. 2305, those who are entitled to burial benefits as of December 31, 1957, but who do not meet the service requirements contained in chapter 23, are nevertheless entitled to burial benefits. Current § 3.954 states that veterans entitled to burial benefits under any law in effect on December 31, 1957, are entitled to a burial allowance even if the veteran does not meet the service requirements of chapter 23. The distinction in the current rule between entitlement to burial benefits and entitlement to a burial allowance is inconsistent with section 2305 and difficult to administer.

The proposed rule would restate current § 3.954 but would correct its technical error. The proposed rule, in line with section 2305, would state that veterans whose eligibility for burial benefits was established under laws in effect as of December 31, 1957, would be eligible for burial benefits even if the veteran does not meet the service requirements of the current rules.

Paperwork Reduction Act

The Office of Management and Budget (OMB) assigns a control number for each collection of information it approves. Except for emergency approvals under 44 U.S.C. 3507(j), VA 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 proposed rule at 38 CFR 3.1703, as it concerns applications for burial, constitutes a collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The information collection requirement for § 3.1703 is currently approved by OMB and has been assigned OMB control numbers 2900–0003. However, VA has determined that provisions in the proposed rule, including automated burial payments and reduced evidentiary requirements, will reduce the information collection burden. Accordingly, under section 3507(d) of the Act, VA has submitted a copy of this rulemaking action to OMB for its review of the collection of information.

Burial claims are submitted on VA Form 21–530, Application for Burial Benefits. Such forms may include a claim for up to three distinct burial benefits: burial allowance, plot and interment allowance, and transportation reimbursement. Those eligible for a service-connected burial allowance are not entitled to a plot or interment allowance, but nearly all claimants who are eligible for a burial allowance may be eligible for reimbursement of approved transportation costs. Claimants can apply for all three burial benefits using the same form, or may submit separate forms for each portion of their burial claim. Because those in receipt of automated burial allowance payments would still be entitled to other benefits which require filing a claim, the proposed rules would not necessarily reduce the total number of claims for burial benefits VA receives. The rules would, however, greatly reduce the evidence required to support a claim and thereby reduce the amount of time VA needs to process the claim. Consistent with the proposed amendments, VA intends to revise the instructions to VA Form 21–530 to remove references to receipts or statements of account when such documentation would no longer be required.

We are requesting comments on the collection of information provisions contained in § 3.1703. Comments must be submitted by February 18, 2014.

Comments on the collections of information should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, or faxed to (202) 395–6974, with copies mailed or hand delivered to: Director, Office of Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420. Comments should indicate that they are submitted in response to ''RIN 2900–AO82.''

Summary of collection of information: The proposed rule at § 3.1703 contains collections of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521) concerning applications for VA burial benefits.

Description of the need for information and proposed use of information: This information is needed to determine eligibility for VA monetary burial benefits.

Estimated number of respondents per year: 150,000.

Estimated frequency of responses per year: On occasion.

Estimated total annual reporting and recordkeeping burden: 37,500 hours.

The Department considers comments by the public on collections of information in—

- Evaluating whether the collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collections of information on those who are to respond, including responses 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.
- OMB is required to make a decision concerning the collections of information contained in this rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to the Office of Management and Budget is best assured of having its full effect if the Office of Management and Budget receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed rule.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would 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). Although this proposed rule would affect some small entities, specifically funeral homes, it would not have a significant economic impact on those entities. Under current regulations, the funeral home engaged by a deceased veterans' survivor to handle the veteran's burial, may seek direct reimbursement from VA for certain expenses in lieu of collecting payment from the survivor. To facilitate automation of VA's burial benefit payments, this proposed rule would discontinue direct payment of a survivor's burial benefits to a funeral home. While this change might create some additional administrative burden for funeral homes, it would not have a significant economic impact under the Regulatory Flexibility Act. Funeral homes would collect the full amount of their bill for services rendered in burying a veteran from the veteran's

survivors. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Order 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 OMB unless OMB waives such review, 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 to be a significant regulatory action under the Executive Order because it is likely to result in a rule that may raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. 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.''

Comment Period

Although Executive Order 12866 generally requires that agencies afford the public a 60-day comment period, VA has determined that there is good cause to limit the public comment period for this proposed rule to 30 days. This rulemaking is necessary to implement VA's decision to liberalize burial benefits in order to facilitate automation of payments to surviving spouses and other claimants. It is also necessary to implement the statutory changes included in Public Law 112–260 to increase the availability of benefits for veterans whose remains are unclaimed. Accordingly, we provided a 30-day comment period for the public to comment on the proposed provisions.

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 1 year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance Numbers and Titles

The Catalog of Federal Domestic Assistance program numbers and titles for this proposed rule are 64.100, Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces; 64.101, Burial Expenses Allowance for Veterans; 64.102, Compensation for Service-Connected Deaths for Veterans' Dependents; 64.104, Pension for Non-Service-Connected Disability for Veterans; 64.105, Pension to Veterans Surviving Spouses, and Children; 64.106, Specially Adapted Housing for Disabled Veterans; 64.109, Veterans Compensation for Service-Connected Disability; 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death; 64.115, Veterans Information and Assistance; and 64.127, Monthly Allowance for Children of Vietnam Veterans Born with Spina Bifida.

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 July 29, 2013, for publication.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Pensions, Veterans.

Dated: December 3, 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 proposes to amend 38 CFR part 3 as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

■ 1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ 3.954 [Removed]

■ 2. Remove § 3.954.

■ 3. Revise subpart B to read as follows:

Subpart B—Burial Benefits

Burial Benefits: General

Sec.

3.1700 Types of VA burial benefits.
3.1701 Deceased veterans for whom VA may provide burial benefits.
3.1702 Persons who may receive burial benefits; priority of payments.
3.1703 Claims for burial benefits.

Burial Benefits: Allowances & Expenses Paid By VA

3.1704 Burial allowance based on service-connected death.
3.1705 Burial allowance based on non-service-connected death.
3.1706 Burial allowance for a veteran who died while hospitalized by VA.
3.1707 Plot or interment allowances for burial in a State veterans cemetery or other cemetery.
3.1708 Burial of a veteran whose remains are unclaimed.
3.1709 Transportation expenses for burial in a national cemetery.

Burial Benefits: Other

3.1710 Escheat (payment of burial benefits to an estate with no heirs).
3.1711 Effect of contributions by government, public, or private organizations.
3.1712 Effect of forfeiture on payment of burial benefits.
3.1713 Eligibility based on status before 1958.

Authority: 105 Stat, 386, 38 U.S.C. 501(a), 2302–2308, unless otherwise noted.

Subpart B—Burial Benefits

Burial Benefits: General

§ 3.1700 Types of VA burial benefits.

(a) *Burial benefits.* VA provides the following types of burial benefits, which are discussed in §§ 3.1700 through 3.1712:

(1) Burial allowance based on service-connected death;

(2) Burial allowance based on non-service-connected death;

(3) Burial allowance for a veteran who died while hospitalized by VA;

(4) Burial plot or interment allowance; and

(5) Reimbursement for transportation of remains.

(b) *Definition.* For purposes of this subpart, *burial* means all the legal methods of disposing of the remains of a deceased person, including, but not limited to, cremation, burial at sea, and medical school donation.

(c) *Cross references.* (1) Other benefits and services related to the memorialization or interment of a deceased veteran and certain survivors include the following:

(i) Burial in a national cemetery (see §§ 38.600 and 38.617 through 38.629 of this chapter);

(ii) Presidential memorial certificates (see 38 U.S.C. 112);

(iii) Burial flags (see § 1.10 of this chapter); and

(iv) Headstones or markers (see §§ 38.630 through 38.633 of this chapter).

(2) The provisions of §§ 3.1702 through 3.1711 do not apply to any of the programs listed in paragraph (c)(1) of this section.

§ 3.1701 Deceased veterans for whom VA may provide burial benefits.

For purposes of providing burial benefits under subpart B of this part, the term ''veteran'' means the same as provided in 38 U.S.C. 101(2). A veteran must be deceased, and burial benefits for that veteran must be authorized by a specific provision of law. For purposes of the non-service-connected burial allowance under 38 U.S.C. 2302, the term ''veteran'' includes a person who died during a period deemed to be active military, naval, or air service under § 3.6(b)(7).

(Authority: 38 U.S.C. 101(2), 2302, 2303, 2307, 2308)

§ 3.1702 Persons who may receive burial benefits; priority of payments.

(a) *Automatic payments to eligible surviving spouse.* VA will automatically pay a burial benefit to an eligible surviving spouse when VA is able to determine eligibility based on evidence of record as of the date of the veteran's death. VA may grant additional burial benefits, including the plot or interment allowance and reimbursement for transportation, to the surviving spouse or any other eligible person in accordance with paragraph (b) of this section and based on a claim described in § 3.1703.

(b) *Priority of payments.* (1) Except for claims a State, or an agency or political subdivision of a State, files under § 3.1707, Plot or interment allowance for burial in a State veterans cemetery or other cemetery, or § 3.1708, Burial of a veteran whose remains are unclaimed, VA will pay, upon the death of a veteran, the living person first listed as follows:

(i) His or her surviving spouse;

(ii) His or her children (first to file);

(iii) His or her parents (first to file) or the surviving parent.

(2) In all other cases, VA will pay the executor or administrator of the estate of the deceased veteran. If no executor or administrator has been appointed, VA may pay burial benefits based on a claim filed by a person acting for such estate who will distribute the burial benefits to the person or persons entitled to such distribution under the laws of the veteran's last State of residence.

(3) In the case of a Veteran whose remains are unclaimed, VA will pay the person or entity that provided burial services.

(4) VA will pay burial benefits to a single representative of the categories in paragraph (b)(1) of this section. VA will not divide applicable burial benefits among claimants; it is the responsibility of the recipient to distribute benefits as may be required.

(Authority: 38 U.S.C. 2302, 2303, 2307)

Cross Reference: § 3.1(i) for the definition of ''State''.

§ 3.1703 Claims for burial benefits.

(a) *When claims must be filed*—(1) *General rule.* Except as provided in paragraph (a)(2) of this section, VA must receive a claim for the non-service-connected burial allowance no later than 2 years after the burial of the veteran. There are no other time limitations to file claims for burial benefits under subpart B of this part.

(2) *Correction of character of discharge.* If the non-service-connected burial allowance was not payable at the time of the veteran's death or burial because of the character of the veteran's discharge from service, VA may pay the allowance if a competent authority corrects the deceased veteran's discharge to reflect a discharge under conditions other than dishonorable. Claims for the non-service-connected burial allowance must be filed no later than 2 years after the date that the discharge was corrected.

(b) *Supporting evidence*—(1) *General rule.* In order to pay burial benefits, VA must receive all of the following:

(i) A claim, except as provided in § 3.1702(a);

(ii) Proof of the veteran's death in accordance with § 3.211, Death; and

(iii) For persons listed under § 3.1702(b), except as provided in § 3.1702(a), a statement certifying that the claimant incurred burial, plot or interment, or transportation costs of the deceased veteran.

(2) *Reimbursement of transportation expenses.* In order to pay transportation costs, VA must receive a receipt, preferably on letterhead, showing who paid the costs, the name of the deceased veteran, the specific transportation expenses incurred, and the dates of the services rendered.

(3) *Eligibility based on evidence of record.* VA may establish eligibility for benefits in this subpart based upon evidence of service and disability that VA relied upon to grant disability compensation or pension during the veteran's lifetime, unless VA has some other evidence on the date that it receives notice of the veteran's death that creates doubt as to the correctness of that evidence.

(Authority: 38 U.S.C. 2304, 5107(a))

Burial Benefits: Allowances and Expenses Paid By VA

§ 3.1704 Burial allowance based on service-connected death.

(a) *General rule.* VA will pay the maximum burial allowance specified in 38 U.S.C. 2307 for the burial and funeral expenses of a veteran described in paragraph (b) of this section, unless VA has evidence on the date it receives notice of the veteran's death that the expenses incurred were less than that amount. Payment of the service-connected burial allowance is in lieu of other allowances authorized by subpart B of this part, except those allowances listed in paragraph (c) of this section.

(b) *Eligibility.* A burial allowance is payable under this section for a veteran who died as a result of a service-connected disability or disabilities. VA will presume, unless it has evidence to the contrary on the date it receives notice of the veteran's death, that a veteran died as a result of a service-connected disability or disabilities if, at the date of death, the veteran was rated totally disabled for a service-connected disability or disabilities, excluding a

total disability rating based on individual unemployability.

(c) *Additional allowances available based on service-connected death.* In addition to the service-connected burial allowance authorized by this section:

(1) VA may reimburse for transportation expenses related to burial in a national cemetery under § 3.1709, Transportation expenses for burial in a national cemetery; and

(2) VA may pay the plot or interment allowance for burial in a State veterans cemetery under § 3.1707(a), Plot or interment allowance.

(Authority: 38 U.S.C. 2303, 2307, 2308)

Cross Reference: § 3.1(i), for the definition of ''State''.

§ 3.1705 Burial allowance based on non-service-connected death.

(a) *General rule.* VA will pay the maximum burial allowance specified in 38 U.S.C. 2302 for the burial and funeral expenses of a veteran described in paragraph (b) of this section, unless VA has evidence on the date it receives notice of the veteran's death that the expenses incurred were less than that amount. Payment of the non-service-connected burial allowance is subject to other applicable regulations in subpart B of this part.

(b) *Eligibility.* A burial allowance is payable under this section for a veteran who, on the date of death:

(1) Was receiving VA pension or disability compensation;

(2) Would have been receiving disability compensation but for the receipt of military retired pay; or

(3) Had pending any of the following claims:

(i) An original claim for pension or disability compensation, and the evidence in the claims file on the date of death and any evidence received under paragraph (d) of this section is sufficient to grant pension or disability compensation effective before the date of death; or

(ii) A claim to reopen a previously denied pension or disability compensation claim, based on new and material evidence, and the evidence in the claims file on the date of the veteran's death and any evidence received under paragraph (d) of this section is sufficient to reopen the claim and grant pension or disability compensation effective before the date of death; or

(iii) A claim for which a person would be eligible to substitute for the deceased veteran under 38 U.S.C. 5121A, Substitution in case of death of claimant, and that claim, once processed to completion by the substitute, results in the grant of pension or disability compensation effective before the date of death.

(c) *Evidence in the claims file on the date of the veteran's death* means evidence in VA's possession on or before the date of the deceased veteran's death, even if such evidence was not part of the VA claims file on or before the date of death.

(d) *Requesting additional evidence.* If the veteran had either an original claim or a claim to reopen pending on the date of death and there is sufficient evidence in VA's possession to support an award of compensation or pension prior to the date of death, but VA determines that additional evidence is needed to confirm that the deceased would have been entitled prior to death, VA will request such evidence. If VA does not receive such evidence within 1 year after the date of the request, it will deny the claim.

(e) *Additional allowances available based on non-service-connected death.* In addition to the non-service-connected burial allowance authorized by this section:

(1) VA may reimburse for transportation expenses related to burial in a national cemetery under § 3.1709, Transportation expenses for burial in a national cemetery, but only if eligibility under paragraphs (b) of this section is based on a pending claim for, or award of, disability compensation, or eligibility for disability compensation but for receipt of military retired pay, rather than a claim for, or award of, pension; and

(2) VA may pay the plot or interment allowance for burial in a State veterans cemetery under § 3.1707(a), Plot or interment allowance.

(Authority: 38 U.S.C. 2302, 2303, 2304, 2308)

Cross Reference: § 3.1(i), for the definition of ''State''.

§ 3.1706 Burial allowance for a veteran who died while hospitalized by VA.

(a) *General rule.* VA will pay up to the maximum burial allowance specified in 38 U.S.C. 2303(a) for the burial and funeral expenses of a veteran described in paragraph (b) of this section.

(b) *Eligibility.* A burial allowance is payable under this section for a veteran whose death was not service-connected and who died while hospitalized by VA. For purposes of this allowance, a veteran was hospitalized by VA if the veteran:

(1) Was properly admitted to a VA facility (as described in 38 U.S.C. 1701(3)) for hospital, nursing home, or domiciliary care under the authority of 38 U.S.C. 1710 or 1711(a);

(2) Was transferred or admitted to a non-VA facility (as described in 38 U.S.C. 1701(4)) for hospital care under the authority of 38 U.S.C. 1703;

(3) Was transferred or admitted to a nursing home for nursing home care at the expense of the U.S. under the authority of 38 U.S.C. 1720;

(4) Was transferred or admitted to a State nursing home for nursing home care for which payment is authorized under the authority of 38 U.S.C. 1741;

(5) Was traveling under proper prior authorization, and at VA expense, to or from a specified place for purpose of examination, treatment, or care; or

(6) Was hospitalized by VA pursuant to any of paragraphs (b)(1) through (4) of this section but was not at the facility at the time of death and was:

(i) On authorized absence that did not exceed 96 hours at the time of death;

(ii) On unauthorized absence for a period not in excess of 24 hours at the time of death; or

(iii) Absent from the facility for a period not in excess of 24 hours of combined authorized and unauthorized absence at the time of death.

(c) *Hospitalization in the Philippines.* Hospitalization in the Philippines under 38 U.S.C. 1731, 1732, and 1733 does not meet the requirements of this section.

(d) *Additional allowances available based on death while hospitalized by VA.* In addition to the burial allowance authorized by this section:

(1) VA will reimburse for the expense of transporting the remains of a person described in paragraph (b) of this section to the place of burial subject to the limitations of § 3.1709 and where the death occurs within a State and:

(i) The place of burial is in the same State or any other State; or

(ii) The place of burial is in Canada or Mexico. However, reimbursement for transportation of the remains for such burial is authorized only from the place of death within a State to the port of embarkation within a State, or to the border limits of the United States.

(2) VA may pay the plot or interment allowance for burial in a veterans cemetery under § 3.1707, Plot or interment allowance.

(Authority: 38 U.S.C. 2303(a), 2308)

Cross Reference: § 3.1(z) for the definition of ''nursing home'' and § 3.1(i) for the definition of ''State''.

§ 3.1707 Plot or interment allowances for burial in a State veterans cemetery or other cemetery.

(a) *General eligibility.* For a veteran who was eligible for burial in a national cemetery under 38 U.S.C. 2402, but was not buried in a national cemetery or

other cemetery under the jurisdiction of the U.S., VA will pay the allowances described below, provided all criteria are met.

(b) *Plot or interment allowance for burial in a State veterans cemetery.* VA will pay the plot or interment allowance in the amount specified in 38 U.S.C. 2303(b)(1) (without regard to whether any other burial benefits were provided for that veteran) to a State, or an agency or political subdivision of a State, that provided a burial plot or interment for the veteran without charge if the State, or agency or political subdivision of the State:

(1) Is claiming the plot or interment allowance for burial of the veteran in a cemetery, or section of a cemetery, owned by the State or agency or subdivision of the State;

(2) Did not charge for the expense of the plot or interment; and

(3) Uses the cemetery or section of a cemetery solely for the interment of:

(i) Persons eligible for burial in a national cemetery; and

(ii) In a claim based on a veteran's death after October 31, 2000, either:

(A) Deceased members of a reserve component of the Armed Forces not otherwise eligible for interment in a national cemetery; or

(B) Deceased former members of a reserve component of the Armed Forces not otherwise eligible for interment in a national cemetery who were discharged or released from service under conditions other than dishonorable.

(c) *Plot or interment allowance payable based on burial in other than a State veterans cemetery.* Unless VA has evidence on the date it receives notice of the veteran's death that the expenses incurred were less, VA will pay the maximum plot or interment allowance specified in 38 U.S.C. 2303(b)(2) to a claimant who incurred plot or interment expenses relating to the purchase of a burial plot for a deceased veteran if the veteran is buried in a cemetery other than a cemetery described in paragraphs (b)(1) and (b)(3) of this section and:

(1) The veteran is eligible for a burial allowance under § 3.1705, Burial allowance based on non-service-connected death;

(2) The veteran is eligible for a burial allowance under § 3.1706, Burial allowance for a veteran who died while hospitalized by VA;

(3) The veteran was discharged from active service for a disability incurred or aggravated in line of duty (VA will accept the official service record of such discharge as proof of eligibility for the plot or interment allowance and VA will disregard any previous VA determination made in connection with a claim for monetary benefits that the disability was not incurred or aggravated in line of duty); or

(4) The veteran, at the time of discharge from active service, had a disability, shown by official service records, which in medical judgment would have justified a discharge for disability.

(d) *Definitions.* For purposes of subpart B of this part, *plot* or *burial plot* means the final disposal site of the remains, whether it is a grave, mausoleum vault, columbarium niche, or other similar place. *Plot or interment expenses* are those expenses associated with the final disposition of the remains and are not confined to the acts done within the burial grounds but may include the removal of remains for burial or interment.

(Authority: 38 U.S.C. 501(a), 2303(b))

Cross Reference: § 3.1(i), for the definition of ''State''.

§ 3.1708 Burial of a veteran whose remains are unclaimed.

(a) *General.* VA will pay the maximum burial allowance specified in 38 U.S.C. 2302 for the burial and funeral expenses of a veteran described in paragraph (b) of this section, unless VA has evidence on the date it receives notice of the veteran's death that the expenses incurred were less than that amount.

(b) *Eligibility.* A burial allowance is payable under this section for a veteran if the Secretary determines that:

(1) There is no next of kin or other person claiming the remains of the deceased veteran; and

(2) There are not sufficient resources available in the veteran's estate to cover the burial and funeral expenses.

(c) *Additional allowance for transportation of unclaimed remains.* VA may reimburse for transportation expenses related to burial in a national cemetery under § 3.1709, Transportation expenses for burial in a national cemetery, for a veteran described in paragraph (b) of this section.

(d) *Burial.* When VA determines that a veteran's remains are unclaimed, the Director of the VA regional office in the area in which the veteran died will immediately complete arrangements for burial in a national cemetery or, at his or her option, in a cemetery or cemetery section meeting the requirements of paragraph (a) of § 3.1707, Plot or interment allowance.

(Authority: 38 U.S.C. 2302(a))

Cross Reference: § 3.1(i) for the definition of ''State''.

§ 3.1709 Transportation expenses for burial in a national cemetery.

(a) *General.* VA will reimburse the costs of transportation, subject to paragraph (d) of this section, of a veteran's remains for burial in a national cemetery for a veteran described in paragraph (b) of this section.

(b) *Eligibility.* VA will reimburse for the expense incurred, subject to paragraph (d) of this section, to transport a veteran's remains for burial in a national cemetery if:

(1) The veteran died as the result of a service-connected disability;

(2) The veteran was receiving service-connected disability compensation on the date of death;

(3) The veteran would have been receiving service-connected disability compensation on the date of death, but for the receipt of military retired pay or non-service-connected disability pension; or

(4) The Secretary determines the veteran is eligible for a burial allowance under § 3.1708.

(c) *Amount payable.* The amount payable under this section will not exceed the cost of transporting the remains to the national cemetery closest to the veteran's last place of residence in which burial space is available, and is subject to the limitations set forth in paragraph (e) of this section.

(d) *Reimbursable transportation expenses.* (1) VA will reimburse reasonable transportation expenses, including but not limited to the costs of shipment via common carrier (i.e., procuring permits for shipment, a shipping case, sealing of the shipping case, and applicable Federal taxes) and costs of transporting the remains to the place of burial.

(2) A reasonable transportation expense is an expense that is usual and customary in the context of burial transportation, with a corresponding charge that is the usual and customary charge made to the general public for the same or similar services.

(Authority: 38 U.S.C. 2303, 2308)

Burial Benefits: Other

§ 3.1710 Escheat (payment of burial benefits to an estate with no heirs).

VA will not pay burial benefits if the payment would escheat (that is, would be turned over to the State because there are no heirs to the estate of the person to whom such benefits would be paid).

(Authority: 38 U.S.C. 501(a))

§ 3.1711 Effect of contributions by government, public, or private organizations.

(a) *Contributions by government or employer.* With respect to claims for a

plot or interment allowance under § 3.1707, if VA has evidence that the U.S., a State, any agency or political subdivision of the U.S. or of a State, or the employer of the deceased veteran has paid or contributed payment to the veteran's plot or interment expenses, VA will pay the claimant up to the lesser of:

(1) The allowable statutory amount; or

(2) The amount of the total plot or interment expenses minus the amount of expenses paid by any or all of the organizations described in this paragraph (a).

(b) *Burial expenses paid by other agencies of the U.S.* (1) *Burial allowance when Federal law or regulation also provides for payment.* VA cannot pay the non-service-connected burial allowance when any Federal law or regulation also specifically provides for the payment of the deceased veteran's burial, funeral, or transportation expenses. However, VA will pay the non-service-connected burial allowance when a Federal law or regulation allows the payment of burial expenses using funds due, or accrued to the credit of, the deceased veteran (such as Social Security benefits), but the law or regulation does not specifically require such payment. In such cases, VA will pay the maximum amount specified in 38 U.S.C. 2302.

(2) *Payment by military service department.* VA will not pay or will recoup the non-service-connected burial allowance for deaths occurring during active service or for other deaths for which the service department pays the burial, funeral, or transportation expenses.

(3) *When a veteran dies while hospitalized.* When a veteran dies while hospitalized at the expense of the U.S. government (including, but not limited to, death in a VA facility) and benefits would be otherwise be payable under 10 U.S.C. 1482 and a provision of this subpart B, only one of these benefits is payable. VA will attempt to locate a relative of the veteran, in the priority order described in § 3.1702(b), or person entitled to reimbursement and will ask that person to elect between these benefits.

(Authority: 38 U.S.C. 2302, 2303(b))

§ 3.1712 Effect of forfeiture on payment of burial benefits.

(a) *Forfeiture for fraud.* VA will pay burial benefits, if otherwise in order, based on a deceased veteran who forfeited his or her right to receive benefits due to fraud under § 3.901, Fraud. However, VA will not pay burial benefits to a claimant who participated in fraudulent activity that resulted in forfeiture under § 3.901.

(b) *Forfeiture for treasonable acts or for subversive activity.* VA will not pay burial benefits based on a period of service commencing before the date of commission of the offense if either the veteran or the claimant has forfeited the right to all benefits except insurance payments under § 3.902, Forfeiture for treasonable acts, or § 3.903, Forfeiture for subversive activities, because of a treasonable act or subversive activities, unless the offense was pardoned by the President of the U.S.

(Authority: 38 U.S.C. 6103, 6104, 6105)

Cross Reference: § 3.1(aa), for the definition of ''fraud.''

§ 3.1713 Eligibility based on status before 1958.

When any person dies who had a status under any law in effect on December 31, 1957, that afforded entitlement to burial benefits, burial benefits will be paid, if otherwise in order, even though such status does not meet the service requirements of 38 U.S.C. chapter 23.

(Authority: 38 U.S.C. 2305)

[FR Doc. 2013–29142 Filed 12–17–13; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0770; FRL–9904–17]

Notice of Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions; corrections.

SUMMARY: EPA issued documents in the **Federal Register** of July 25, 2012, and January 16, 2013, concerning a new active ingredient (AI) and several pesticide petitions (PP) filed for residues of pesticide chemicals. The name of an AI was changed during the registration assessment process. This document corrects the name of an AI and also corrects a PP number.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0770, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P); telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov* or Lois Rossi, Registration Division (RD) (7505P); telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each correction.

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

The Agency included in the July 25, 2012, and January 16, 2013 documents a list of those who may be potentially affected by this action.

II. What does this correction do?

1. *EPA–HQ–OPP–2012–0389.* In FR Doc. 2012–17899, published in the **Federal Register** of July 25, 2012 (77 FR 43562) (FRL–9353–6), is corrected as follows: On page 43566, under the heading ''*New Tolerance Exemptions,''* third column, paragraph number 4., *PP 2F8014,* lines 7 and 12, correct ''GS–U–ACTX–Hv1a–SEQ2'' to read ''GS–omega/kappa–Hxtx–Hv1a.'' (BPPD)

2. *EPA–HQ–OPP–2012–0926.* In FR Doc. 2013–00714, published in the **Federal Register** of January 16, 2013 (78 FR 3377) (FRL–9375–4), is corrected as follows: On page 3380, under the heading ''*Amended Tolerances,''* third column, paragraph number 7., line 1, correct ''*PP 2F8155''* to read ''*PP 2F8115.''* (RD)

List of Subjects in 40 CFR Part 180

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 11, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2013–30135 Filed 12–17–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 381

[Docket No. FMCSA–2013–0097]

Physical Qualification of Drivers; Standards; Changes to Vision Exemption Program Criteria

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Proposed change to criteria; request for comments.

SUMMARY: FMCSA proposes changes to the eligibility requirements for the Agency's Vision Exemption Program. Obtaining an exemption enables an individual to operate commercial motor vehicles (CMVs) in interstate commerce without satisfying all of the prescribed vision standards. The Agency has determined that these proposed changes in the eligibility criteria and conditions for the Vision Exemption Program will continue to ensure a level of safety that is equivalent to, or greater than, the level of safety maintained under the existing criteria.

DATES: Send your comments on or before January 17, 2014.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2013–0097 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

To avoid duplication, please use only one of these four methods.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information, see the Public Participation heading below, as well as the Request for Information and Comments heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* Follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the U.S. Department of Transportation's (DOT) Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January17, 2008 (73 FR 3316), or you may visit *http://www.gpo.gov/fdsys/pkg/FR-2008-01-17/pdf/E8-785.pdf.*

Public participation: The Federal eRulemaking Portal is generally available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal Web site. If you would like us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments on-line.

Comments received after the comment closing date will be included in the docket and we will consider late comments to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Ms. Elaine Papp, (202) 366–4001, *fmcsamedical@dot.gov,* U.S. Department of Transportation, FMCSA, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Business hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

A. FMCSA's Vision Standard

FMCSA's primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. Under the provisions of 49 U.S.C. 31136(a) and 31502(b), FMCSA is authorized to establish minimum qualification standards for drivers of CMVs operating in interstate commerce. To ensure the medical fitness of CMV drivers for duty, the Agency established a number of physical qualifications for drivers under 49 CFR 391.41(b). Adequate visual function is necessary for safe driving. The current vision standard pertains to acuity (the ability to see at a distance), field of vision (the ability to see peripherally), and the ability to detect and distinguish colors. Specifically, 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV in interstate commerce if that person has:

(1) distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses;

(2) distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses;

(3) field of vision of at least 70° in the horizontal meridian in each eye; and

(4) the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

B. FMCSA's Vision Exemption Program and Criteria

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may exempt a CMV driver from application of the vision standards if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Applications are now handled in accordance with 49 CFR part 381 subpart C. Qualifying individuals may apply for an exemption for up to two years from specified provisions of the Federal Motor Carrier Safety Regulations, including physical qualification standards specified under § 391.41(b) (see 49 CFR 381.300(c)). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

Current Criteria and Conditions

A. Current Criteria for Considering Exemptions From the Vision Standards

The criteria currently considered when reviewing an application for an exemption have been in place since the program began in 1998. They are consistent with criteria used in the preceding Vision Waiver Program. In

July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (''Qualification of Drivers; Vision Waivers,'' 57 FR 31458, July 16, 1992). In 1998, FMCSA subsequently adopted those criteria and conditions, with revisions, for consideration in the current Vision Exemption Program.

The Agency developed an example or template that drivers could use to apply for a vision exemption. The template outlines all information and documents the applicant should include to be considered for an exemption and the criteria for approval. FMCSA has docketed a copy of the template for reference, along with two additional instructional letters for applicants residing in Florida or Indiana.[1] These current application materials are available on FMCSA's Web site at: *http://www.fmcsa.dot.gov/rules-regulations/topics/medical/exemptions.htm.*

Exemptions from the vision standards in 49 CFR 391.41(b)(10) are considered only for those individuals with visual deficiencies who:

(1) hold a valid license;

(2) are at least 21 years old; and

(3) have 3 years of intrastate CMV driving experience immediately preceding the date of the application, driving at least 10 hours per week in intrastate commerce with the visual deficiency;

(4) have had a driving record for the same period listed above that contains the following:

(a) no suspensions or revocations of a driver's license for the operation of any motor vehicle (including a personal vehicle);

(b) no involvement in an accident where the driver's actions were a contributing factor or the driver received a citation for a moving traffic violation;

(c) no convictions for a serious traffic violation, as defined in 49 CFR 383.51(c);

(d) no more than one serious traffic violation, as defined in 49 CFR 383.51, driving a CMV during the 3-year period that disqualified or should have disqualified the driver in accordance with the driver disqualification provisions of 49 CFR 383.51; and

(e) no more than two convictions for any other moving traffic violations in a CMV;

(5) provide a signed statement that reads, ''I acknowledge that I must be otherwise qualified under 49 CFR 391.41(b)(1)–(13) or hold another valid medical exemption before I can legally operate a commercial motor vehicle in interstate commerce.'';

(6) have visual acuity of at least 20/40 (Snellen), corrected or uncorrected, in the better eye;

(7) have field of vision in each eye, including central and peripheral fields, of at least 70° utilizing a testing modality which tests to at least 120° in the horizontal [Formal perimetry is required. The doctor must submit the formal perimetry for each eye and interpret the results in degrees of field of vision.];

(8) have the ability to recognize the colors of traffic control signals and devices showing red, green, and amber; and

(9) have been examined by an ophthalmologist or optometrist who signs a statement on letterhead in which the ophthalmologist or optometrist:

(a) identifies the visual condition;

(b) defines the nature of the vision deficiency, including how long the person has had the deficiency;

(c) states the date of the examination;

(d) certifies that the visual deficiency has been stable for the 3-year period preceding the date of application; and

(e) provides an opinion that the person can perform the driving tasks required to operate a CMV.

B. Current Conditions for Holding an Exemption to the Vision Standards

FMCSA is aware that vision conditions can deteriorate over time and affect the driver's ability to operate a CMV safely. The following conditions for holding an exemption from the vision standards under 49 CFR 391.41(b)(10) are imposed on exempted CMV drivers and include all of the following,

(1) The exempted driver must be examined every year by

(a) an ophthalmologist or optometrist who attests to the fact that the driver's vision continues to measure a visual acuity of at least 20/40 (Snellen) and a field of vision in the horizontal meridian of at least 70°, both in the better eye; and

(b) a medical examiner who attests to the fact that the driver is otherwise qualified under 49 CFR 391.41;

(2) the driver must provide a copy of the ophthalmologist or optometrist report to his or her medical examiner at the time of the annual medical examination;

(3) the driver must keep a copy of the annual medical certification in his or her qualification file as long as the driver is self-employed or provide a copy to the driver's employer for retention in the driver's qualification file and retain a copy of the exemption certificate on his or her person while driving for presentation to an authorized Federal, State, or local enforcement official; and

(4) the driver must report any changes in personal information (i.e., address, telephone number, employment status) to FMCSA immediately, as well as changes in the type of vehicle driven. He or she may be required at any time during the authorized exemption period to provide information to the Agency regarding driving experience and performance as it relates to citations, accidents or crashes, suspensions or revocations, and medical status. Each driver will be subject to periodic monitoring by FMCSA of his or her driving performance while operating a CMV.

Proposed Criteria Changes

A. Criterion for Length of Driving Experience With a Stable Vision Condition

FMCSA proposes to change the current 3-year driving experience criterion to one of two options discussed below. The Agency requests comments as to whether it should continue to require driving experience but decrease the period from 3 years to 1 year of operating with the vision deficiency, or eliminate the driving experience criterion. The basis for this change is derived from the Medical Exemption Program Study by Cambridge Systematics, Inc. (October 13, 2006), which found the following:

- The collision rates of visually impaired drivers in the Vision Program were not higher than non-impaired drivers in the control subset over the previous three years;
- Compensatory viewing behavior is developed in order to mitigate visual loss; and
- Monocular commercial drivers did not have significant differences in the performance of tasks involving safe

[1] Applicants from Florida and Indiana are required to submit a full driving record. This is because Florida and Indiana have different content in their motor vehicle reports. Florida does not include citations or accidents on motor vehicle reports that were withheld (adjudication withheld) because of attendance at court or traffic school. Therefore, the applicant must provide a current official copy of his/her complete driving record from the state of Florida, covering their entire record. Indiana does not include accidents on motor vehicle reports unless the driver did not have insurance at the time of the accident or the accident resulted in a suspension of driving privileges. Therefore, the applicant must request that a search be done to verify whether he or she has been involved in any accidents during the 3-year driving period from the Indiana State Police.

driving and the location of the monocular eye is not significant.

Option One: Driving With a Stable Vision Condition for at Least 1 Year While Operating a CMV in Intrastate Commerce

This change would allow FMCSA to continue evaluating the CMV driver's safety record against his or her intrastate CMV driving experience and is consistent with the Agency's rationale for implementing the experience criterion. Though this option would reduce the length of driving experience with vision deficiency by two years, it would provide a timeframe that facilitates the verification of accurate and safe driving and medical records.

However, not all CMV drivers are operating in States that allow intrastate driving with a visual deficiency. Thus, unless the driver experience criterion were removed entirely, it would continue to be an obstacle for those CMV drivers who may actually be safe but cannot accumulate the necessary one year of experience because of State driver qualification policies. FMCSA would continue to use the driver's entire motor vehicle record as opposed to only the CMV record as a way to evaluate safety performance.

Option Two: The Driving Experience Criterion Would Be Removed

Removing the driving experience requirement would be consistent with the principles of FMCSA's Diabetes Exemption Program. FMCSA would continue to consider the driver's entire motor vehicle record but would not require a specific amount of driving experience.

FMCSA would ask for an examination by the ophthalmologist or optometrist to be reported within the last 3 months from the date of application. FMCSA believes that this would avoid the risk of recent deterioration.

B. Driving and Crash Record

The current criterion discussed above states that a driver must have no convictions for a serious traffic violation, as defined in 49 CFR 383.51(c). The Agency proposes to change this to include all provisions of 49 CFR 383.51 (b) and (c).

The current criteria, discussed above, recommend denial of an exemption for any driver who was involved in a crash, whether the crash occurred while driving a CMV, a personal automobile or a motorcycle, where the driver's actions were a contributing factor or the driver received a citation for a moving traffic violation in a CMV. In this context, FMCSA proposes using the following definition of ''accident'' from 49 CFR 390.5 as being synonymous with ''crash'':

1. An occurrence involving a CMV operating on a highway in interstate or intrastate commerce which results in:

(i) A fatality;

(ii) Bodily injury to a person who, as a result of the injury, receives immediate medical treatment away from the scene of the accident; or

(iii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

In addition, during the period the CMV driver's application or renewal is pending, the driver and the employer would be required to report immediately to FMCSA any arrests, citations, or convictions for any disqualifying offense or other moving violation, or if the driver were involved in a crash. Convictions occurring during the processing of an exemption application would be considered in the CMV driver's overall driving record. Since all CMV driver applications and histories are unique, FMCSA would continue to conduct reviews on an individual basis.

C. Otherwise Qualified Physical Qualification Determination

FMCSA proposes to change the current signed driver's statement criterion. The existing application requests the applicant to provide a signed statement that reads, ''I acknowledge that I must be otherwise qualified under 49 CFR 391.41(b)(1)–(13) or hold another valid medical exemption before I can legally operate a commercial motor vehicle in interstate commerce.'' It does not require a completed Medical Examination Report or an accompanying completed Medical Examiner's Certificate.

Rather than rely on a driver's statement, FMCSA proposes that the driver undergo an examination by a medical examiner and receive a Medical Examiner's Certificate declaring that the driver is physically qualified to drive if the medical certificate is accompanied by a Federal Vision Exemption. This change would be consistent with the FMCSA Diabetes Exemption Program and the current Medical Examiner's Certificate. The Medical Examiner's Certificate has a check box for the Medical Examiner to indicate that the certificate must be accompanied by an exemption or waiver.

Currently, medical examiners terminate the examination process when the driver is unable to pass the visual acuity portion of the examination. This practice leads to additional cost for the driver, repeated trips to the medical examiner, and uncertainty of the driver's actual physical qualifications. If, after undergoing the process for the Vision Exemption, the driver returns to the medical examiner and is denied a Medical Examiner's Certificate due to a different medical condition, he or she would have expended unnecessary resources. Requiring an appropriately completed Medical Examiner's Certificate would ensure that the driver is otherwise physically qualified to drive and allow both the driver and the Agency to avoid expending resources unnecessarily.

Request for Information and Comments

One of the Agency's purposes for publishing this notice is to acquire feedback to ensure we have all of the information necessary to make a sound decision when making changes to the Vision Exemption Program criteria. Therefore, FMCSA invites interested persons to comment on any and all aspects of these proposed changes by submitting data, views, arguments, or recommendations concerning any proposed changes to the Federal Vision Exemption Program application approval criteria. See the **ADDRESSES** heading above for information on submitting comments.

Issued on: December 2, 2013.

Anne S. Ferro,

Administrator.

[FR Doc. 2013–29651 Filed 12–17–13; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register

Vol. 78, No. 243

Wednesday, December 18, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Guarantee Fee Rates for Guaranteed Loans for Fiscal Year 2014; Maximum Portion of Guarantee Authority Available for Fiscal Year 2014; Annual Renewal Fee for Fiscal Year 2014

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: As set forth in 7 CFR 4279.107, the Agency has the authority to charge an initial guarantee fee and an annual renewal fee for loans made under the Business and Industry (B&I) Guaranteed Loan Program. Pursuant to that authority, the Agency is establishing the renewal fee rate at one-half of 1 percent for the B&I Guaranteed Loan Program. This rate will apply to all loans obligated in Fiscal Year (FY) 2014 that are made under the B&I program. As established in 7 CFR 4279.107(b)(1), the amount of the fee on each guaranteed loan will be determined by multiplying the fee rate by the outstanding principal loan balance as of December 31, multiplied by the percent of guarantee.

The Consolidated and Further Continuing Appropriations Act of 2013 set funding levels according to those established by the 2012 Appropriations Bill. This authorized the Agency to charge a maximum of 3 percent for its guarantee fee for FY 2013. It is the Agency's expectation that the 2014 Appropriations Bill will contain the same authorization to charge a maximum of 3 percent for its guarantee fee for FY 2014. As such, the guarantee fee for FY 2014 will be 3 percent. In the event the 2014 Appropriations Bill reduces the fee authorization below 3 percent, a subsequent notice will be published in the **Federal Register** amending the guarantee fee for FY 2014.

As set forth in 7 CFR 4279.107(a) and 4279.119(b)(4), each fiscal year, the Agency shall establish a limit on the maximum portion of B&I guarantee authority available for that fiscal year that may be used to guarantee loans with a reduced guarantee fee or guaranteed loans with a guarantee percentage exceeding 80 percent.

Allowing a reduced guarantee fee or exceeding the 80 percent guarantee on certain B&I guaranteed loans that meet the conditions set forth in 7 CFR 4279.107 and 4279.119 will increase the Agency's ability to focus guarantee assistance on projects which the Agency has found particularly meritorious. For reduced guarantee fees, the borrower's business must support value-added agriculture and result in farmers benefiting financially or must be a high impact business investment as defined in 7 CFR 4279.155(b)(5) and be located in rural communities that experience long-term population decline and job deterioration, remain persistently poor, are experiencing trauma as a result of natural disaster, or are experiencing fundamental structural changes in its economic base. For guaranteed loans exceeding 80 percent, such projects must qualify as a high-priority project (a requirement of 7 CFR 4279.119(b)), scoring at least 50 points in accordance with 7 CFR 4279.155(b).

Not more than 12 percent of the Agency's quarterly apportioned B&I guarantee authority will be reserved for loan requests with a reduced fee, and not more than 15 percent of the Agency's quarterly apportioned guarantee authority will be reserved for guaranteed loan requests with a guarantee percentage exceeding 80 percent. Once the respective quarterly limits are reached, all additional loans for that quarter will be at the standard fee and guarantee limits.

DATES: *Effective Date:* December 18, 2013.

FOR FURTHER INFORMATION CONTACT: Jerred Brown, USDA, Rural Development, Business Programs, Business and Industry Division, STOP 3224, 1400 Independence Avenue SW., Washington, DC 20250–3224, telephone (202) 720–1970, email *jerred.brown@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866, as amended by Executive Order 13258.

Dated: November 27, 2013.

Lillian E. Salerno,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2013–30020 Filed 12–17–13; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Maximum Loan Amount for Business and Industry Guaranteed Loans in Fiscal Year 2014

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: Section 4279.119(a)(1) of 7 CFR allows the Rural Business-Cooperative Service Administrator, at the Administrator's discretion, to grant an exception to the $10 million limit for Business and Industry (B&I) guaranteed loans of $25 million or less under certain circumstances. Due to the limited program funds that are expected for Fiscal Year (FY) 2014 for the B&I Guaranteed Loan Program, the Administrator has decided to only grant exceptions to the $10 million loan limit for existing B&I guaranteed loan borrowers that meet certain criteria. Limiting the maximum loan amount will enable the Agency to provide financing assistance to as many projects as possible. In order for an existing B&I guaranteed loan borrower to be granted an exception to the $10 million loan limit, they must meet the following criteria: (1) Qualify as a high priority project (a requirement of 7 CFR 4279.119(a)(1)(i)), scoring at least 50 points in accordance with the criteria in 7 CFR 4279.155(b); (2) have an existing B&I loan that has been current for the past 12 months without such status being achieved through debt forgiveness; and (3) not be requesting a refinance of the existing B&I loan. All other requirements of 7 CFR 4279.119(a) must be met. Limiting exceptions to the $10 million limit will allow the Agency to guarantee more loans and target smaller loans/projects impacting more small businesses and will assist the Agency to conserve scarce funding dollars at a time when there is unprecedented interest in the program.

DATES: *Effective Date:* December 18, 2013.

FOR FURTHER INFORMATION CONTACT: Jerred Brown, USDA, Rural Development, Business Programs, Business and Industry Division, STOP 3224, 1400 Independence Avenue SW., Washington, DC 20250–3224, telephone (202) 720–1970, email *jerred.brown@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 as amended by Executive Order 13258.

Dated: November 27, 2013.

Lillian E. Salerno,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2013–30018 Filed 12–17–13; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1925]

Approval for Restricted Manufacturing (Production) Authority; Foreign-Trade Zone 109; North American Tapes, LLC (Textile Athletic Tape); Watertown, New York

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Jefferson County Industrial Development Agency, grantee of Foreign-Trade Zone 109, has requested manufacturing (production) authority on behalf of North American Tapes, LLC (NAT), within FTZ 109 in Watertown, New York (FTZ Docket 48–2011, filed 7–15–2011; amended 3–6–2012);

Whereas, notice inviting public comment has been given in the **Federal Register** (76 FR 43259–43260, 7–20–2011; 77 FR 13263–13264, 3–6–2012; 77 FR 25400, 4–30–2012) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations would be satisfied, and that the proposal would be in the public interest if approval were subject to restriction;

Now, therefore, the Board hereby orders:

The application for manufacturing (production) authority under zone procedures within FTZ 109 on behalf of NAT, as described in the application and **Federal Register** notices, is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to the following restrictions and conditions:

1. All foreign status fabrics admitted to the zone for NAT's manufacturing (production) activity must be re-exported (entry for U.S. consumption is not authorized).

2. The manufacturing (production) authority for NAT shall remain in effect for an initial period of five years from the date of approval.

Signed at Washington, DC, this 9th day of December 2013.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2013–30110 Filed 12–17–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1923]

Reorganization and Expansion of Foreign-Trade Zone 146 Under Alternative Site Framework Lawrence County, Illinois

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the Bi-State Authority, grantee of Foreign-Trade Zone 146, submitted an application to the Board (FTZ Docket B–50–2013, docketed 5–20–2013) for authority to reorganize under the ASF with a service area of Clay, Crawford, Edwards, Hamilton, Lawrence, Richland and Wayne Counties, Illinois, in and adjacent to the Evansville, Indiana Customs and Border Protection port of entry, FTZ 146's existing Sites 1 and 2 would be categorized as magnet sites, and the grantee proposes an initial usage-driven site (Site 3);

Whereas, notice inviting public comment was given in the **Federal Register** (78 FR 32367, 5/30/2013) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations would be satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 146 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, to a five-year ASF sunset provision for magnet sites that would terminate authority for Sites 1 and 2 if not activated by December 31, 2018, and to a three-year ASF sunset provision for usage-driven sites that would terminate authority for Site 3 if no foreign-status merchandise is admitted for a *bona fide* customs purpose by December 31, 2016.

Signed at Washington, DC, this 6th day of December 2013.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2013–30109 Filed 12–17–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1922]

Reorganization of Foreign-Trade Zone 52 Under Alternative Site Framework; Suffolk County, New York

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, Suffolk County, grantee of Foreign-Trade Zone 52, submitted an application to the Board (FTZ Docket B–44–2013, docketed 5–9–2013) for authority to reorganize under the ASF with a service area of portions of Suffolk County, New York, in and adjacent to the JFK Airport Customs and Border Protection port of entry, and FTZ 52's existing Site 1 would be categorized as a magnet site;

Whereas, notice inviting public comment was given in the **Federal Register** (78 FR 28576–28577, 5–15–2013) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the

requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 52 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the zone.

Signed at Washington, DC, this 9th day of 2013.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2013–30107 Filed 12–17–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD034

Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Data Webinar for Gulf of Mexico and South Atlantic King Mackerel

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of SEDAR 38 data webinar for Gulf of Mexico and South Atlantic King Mackerel.

SUMMARY: The SEDAR assessment of the Gulf of Mexico and South Atlantic King Mackerel will consist of several workshops and a series of webinars. *See* **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 38 post-data workshop webinar will be held on Tuesday, January 14, 2014 from 1 p.m. until 4 p.m. eastern standard time (EST).

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see Contact Information below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of the webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; phone (843) 571–4366; email: *julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Workshop and a series of Assessment webinars; and (3) Review Workshop. The product of the Data Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment workshop and webinars produce a report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Consensus Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the data webinar are as follows:

1. Participants will discuss and review data analyses and decisions since the Data Workshop.

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 identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR office (see **ADDRESSES**) at least ten (10) business 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 13, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–30063 Filed 12–17–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD031

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its *Herring* Committee on January 14, 2014 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, January 14, 2014 at 9:30 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Sheraton Harborside Portsmouth, 250 Market Street, Portsmouth, NH 03801; telephone: (603) 431–2300; fax: (603) 433–5649.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Committee will begin development of a range of alternatives for Framework 4 to the Atlantic Herring FMP; Framework 4 will address some disapproved elements of Amendment 5, including provisions related to net slippage and dealer weighing requirements; the Committee will develop recommendations. The

Committee will also discuss development of NMFS Omnibus Amendment to address industry-funded monitoring, review the range of alternatives, and develop related recommendations. The Committee will discuss a timeline for Framework 4, the omnibus industry-funded amendment and other 2014 herring management priorities. Other business may be discussed as necessary.

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 Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at 978–465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 13, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–30076 Filed 12–17–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0231]

Proposed Collection; Comment Request

AGENCY: Washington Headquarters Services (WHS) Facilities Services Directorate (FSD) Integrated Services Division (ISD), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Washington Headquarters Services (WHS) Facilities Services Directorate (FSD) Integrated Services Division (ISD) 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 18, 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.

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 contact Lisa Passagaluppi, Transportation Program Manager, WHS/FSD/ISD, 571–372–7140 or 703–614–6421.

SUPPLEMENTARY INFORMATION:

Title and OMB Control Number: 2014 Pentagon/Mark Center Transportation Commuter Survey; OMB Control Number 0704–TBD.

Needs and Uses:

Per requirements in the Administrative Instruction (AI) 109, and the National Capital Planning Commission (NCPC) approved Base Relocation and Closure (BRAC) #133 Transportation Management Plan (TMP), the WHS Transportation Management Program Office (TMPO) will conduct surveys of both Federal and non-Federal employees in order to monitor the effectiveness of the various Pentagon and Mark Center Transportation Programs and Strategies.

The purpose of the surveys is to gather travel mode choice information from DoD employees and contractors located at the Pentagon and Mark Center. Information gathered from this effort will be used to refine the DoD shuttle service and travel demand management strategies currently being implemented at each facility to reduce traffic congestion. The results of the transportation/commuter surveys will be utilized to accomplish the aforementioned tasks and to support future transportation related improvement efforts to enhance transportation to and from the Pentagon, Mark Center and DoD facilities in the National Capital Region.

Affected Public: Individuals and Households.

Annual Burden Hours: 4,001.

Number of Respondents: 16,005.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: Annual.

The 2014 Pentagon/Mark Center Transportation/Commuter Surveys will be administered through the use of technological collection techniques, such as the proprietary DoD Interactive Customer Evaluation (ICE) Survey Application.

Dated: December 13, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–30101 Filed 12–17–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Proposed Levels of Service at Locks and Dams on the J Bennett Johnston Waterway (Red River)

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: This notice replaces the original notice published in the **Federal Register** on June 6, 2013 (78 FR 34083). The hours of availability for locking at Lindy C. Boggs Lock and Dam, John H. Overton Lock and Dam, Lock and Dam No. 3, Russell B. Long Lock and Dam, and Joe D. Waggonner, JR Lock and Dam on the J Bennett Johnston Waterway will remain at the current schedule of 24 hours per day, 7 days a week, and 365 days per year for a one year period beginning February 1, 2014. Future level of service for each of the five locks and dams will be re-assessed following this one year period.

DATES: Proposed implementation date is February 1, 2014.

SUPPLEMENTARY INFORMATION: The legal authority for the regulation governing the use, administration, and navigation of the Red River and Locks is Section 4 of the River and Harbor Act of August 18, 1894 (28 Stat. 362), as amended, which is codified at 33 U.S.C. 1. This statute requires the Secretary of the Army to ''prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States'' as the Secretary determines may be required by public necessity. Reference 33 CFR Part 207.249, Ouachita and Black Rivers, Ark. and La., Mile 0.0 to Mile 338.0 (Camden, Ark.) above the mouth of the Black River; the Red River, La., Mile 6.7 (Junction of Red, Atchafalaya and Old Rivers) to Mile 276.0 (Shreveport, La.); use, administration, and navigation.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2013–30073 Filed 12–17–13; 8:45 a.m.]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2013–ICCD–0153]

Agency Information Collection Activities; Comment Request; Teacher Incentive Fund Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), 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 February 18, 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–0153 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 2E115,Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Tomakie Washington, 202–401–1097 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: Teacher Incentive Fund Annual Performance Report.

OMB Control Number: 1810–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 92.

Total Estimated Number of Annual Burden Hours: 4,232.

Abstract: ED requests a customized annual performance report (APR) that goes beyond the generic APR (Form 524B) in order to facilitate the collection of more standardized and comprehensive data to inform Government Performance and Results Act (GPRA) measures for this program, to improve the overall quality of data collection, and to increase the quality and quantity of data that can be used to inform policy decisions and report to Congress.

Dated: December 12, 2013.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–29987 Filed 12–17–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2013–ICCD–0152]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request: Fast Response Survey System (FRSS) 106: School Safety and Discipline: 2013–14

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 17, 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–0152 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: 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: Fast Response Survey System (FRSS) 106: School Safety and Discipline: 2013–14.

OMB Control Number: 1850–0733.

Type of Review: New collection.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 12,185.

Total Estimated Number of Annual Burden Hours: 1,967.

Abstract: The National Center for Education Statistics (NCES) requests approval to conduct a Fast Response Survey System (FRSS) survey #106 on public school safety and discipline. The FRSS 106: School Safety and Discipline: 2013–14 survey is modeled after the NCES School Survey on Crime and Safety (SSOCS), modified for FRSS length and format constraints. It will provide nationally representative data on elementary and secondary school safety and discipline plans and practices, training for teachers and aides related to school safety and discipline issues, security personnel, frequency of specific discipline problems, and number of incidents of various crimes. The FRSS 106 questionnaire is comprised of selected questions that were approved for the SSOCS:2010 and 2012 questionnaires (SSOCS:2010 was fielded, while SSOCS:2012 was not fielded due to budgetary constraints). Data along with the FRSS 106 First Look report on the results will be released in the summer of 2015.

Dated: December 12, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–30007 Filed 12–17–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Membership of the Performance Review Board

AGENCY: Office of Management, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary publishes a list of persons who may be named to serve on the Performance Review Board that oversees the evaluation of performance appraisals of Senior Executive Service members of the Department.

DATES: *Effective Date:* December 18, 2013.

SUPPLEMENTARY INFORMATION:

Membership: Title 5, U.S.C. Section 4314(c)(4) of the Civil Service Reform Act of 1978, Public Law 95–454, requires that the appointment of Performance Review Board members be published in the **Federal Register**. The following persons may be named to serve on the Performance Review Board:

ANDERSON, JO
ANDERSON, MARGO K.
ANTHONY, PERRY E.
BAKER, JEFFREY S.
BATTLE, SANDRA G.
BETKA, SUE E.
BUCKLEY, SEAN P.
CANELLOS, ERNEST C.
CARR, PEGGY G.
CARTER, DENISE L.
CHAVEZ, ANTHONY S.
CHISM, MONIQUE M.
CONATY, JOSEPH C.
CULATTA, RICHARD
DANN–MESSIER, BRENDA J.
DAVIS, CONSTANCE T.
DELISLE, DEBORAH S.
EASTON, JOHN Q.
ELIADIS, PAMELA D.
ELLIS, KATHRYN A.
FEELY, HARRY M.
GALANTER, SETH M.
GARLAND, TERESA A.
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GRAHAM, DARRELL W.
GREWAL, SATYAMDEEP S.
HALL, LINDA W.
HAMMOND, PEIRCE A. III
HARRIS, DANNY A.
HURT, JOHN W. III
JENKINS, HAROLD B.
KANTER, MARTHA JANE
KEAN, LARRY G.
KIM, ROBERT
KOEPPEL, DENNIS
LABRECK, JANET L.
LAKIN, KENNETH CHARLES
LHAMON, CATHERINE E.
LIM, JEANETTE J.
LUCZAK, RONALD J.
MAESTRI, PHILIP A.
MALAM, PAMELA R.
MANNING, JAMES F.
MARIANI, TYRA A.
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MCLAUGHLIN, MAUREEN A.
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MOORE, KENNETH R.
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PENDLETON, AUDREY J.
PEPIN, ANDREW J.
REYNOLDS, CYNTHIA L.
RIDDLE, PAUL N.
ROPELEWSKI, JAMES LYNCH
ROSENFELT, PHILIP H.
RYDER, RUTH E.
SANTY, ROSS C. JR.
SASSER, TRACEY L.
SHELTON, JAMES H.
SKELLY, THOMAS P.
SOLTIS, TIMOTHY F.

FOR FURTHER INFORMATION CONTACT: Andrea Burckman, Director, Executive Resources Division, Human Capital and Client Services, Office of Management, U.S. Department of Education, 400 Maryland Avenue SW., Room 2C150, LBJ, Washington, DC 20202–4573. Telephone: (202) 401–0853. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

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Dated: December 13, 2013.

Arne Duncan,

Secretary of Education.

[FR Doc. 2013–30136 Filed 12–17–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Rehabilitation Research Advisory Council; Request for Nominations

AGENCY: U.S. Department of Education, Office of Special Education and Rehabilitative Services.

ACTION: Request for nominations—Rehabilitation Research Advisory Council.

SUMMARY: The Secretary of the U.S. Department of Education announces the agency's intention to establish a Rehabilitation Research Advisory Council (RRAC). Section 205(a) of the Rehabilitation Act of 1973, as amended, stipulates that, ''Subject to the availability of appropriations, the Secretary shall establish in the Department of Education a Rehabilitation Research Advisory Council . . . composed of 12 members appointed by the Secretary.'' Section 205(b) provides that the RRAC will advise the Director of the National Institute on Disability and Rehabilitation Research (NIDRR) ''with respect to research priorities and the development of the 5-year plan.'' The Advisory Council will be governed by provisions of the Federal Advisory Committee Act (FACA) (Pub. L 92–463; as amended, 5 U.S.C. app.), which sets forth standards for the formation and use of advisory committees. The Secretary of Education has determined that establishment of the Rehabilitation Research Advisory Council is desirable to provide advice and consultation to the NIDRR Director on how to improve NIDRR's responsiveness to the current state of the science and the needs of the stakeholder community. The Advisory Council will represent an important, regular forum through which consumers could interact with NIDRR and have direct input into the advice that guides NIDRR's work; will improve research outcomes by identifying new approaches, promoting innovation, recognizing unforeseen risks or barriers, and identifying unintended consequences; will assist NIDRR in its efforts to formalize and document the structure of its long-range planning process; and will add stability and continuity to both NIDRR's long-range planning and priority-setting process. In accordance with the Federal Advisory Committee Act provisions found at 5 U.S.C. 102–3.60, the Department will file a charter. The Department is seeking nominations for membership on the Advisory Council consistent with the requirements listed in the Supplementary Information section of this notice. Nominations should be submitted with a cover letter and include the nominee's contact information (current mailing address, email address, fax, and telephone number) and current curriculum vitae or resume. Address the cover letter as follows: Honorable Arne Duncan, Secretary of Education, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202.

DATES: Submit nominations by email no later than close of business on December 30, 2013.

ADDRESSES: Nominations should be emailed to the Office of the Secretary/White House Liaison Office, *whitehouseliaison@ed.gov*. Note in the subject line ''Nomination-RRAC''.

FOR FURTHER INFORMATION CONTACT: Office of the Secretary, White House Liaison at 202–401–3677.

SUPPLEMENTARY INFORMATION: The Rehabilitation Research Advisory Council will meet at the call of the Designated Federal Official in consultation with the Chairperson to: (1) Discuss research and related programs that impact people with disabilities, their families and those who provide services and support to them; (2) make recommendations about research development and related activities and to improve the health and functioning, community living and participation and employment outcomes of people with disabilities; and (3) provide feedback on NIDRR's Long Range Plan. On an annual basis, the Advisory Council will evaluate the implementation of the Long Range Plan and make recommendations to the Secretary and the NIDRR Director based on that evaluation.

The Advisory Council will consist of 12 members appointed by the Secretary who are: (1) Individuals with disabilities or their representatives; (2) disability and rehabilitation professionals; (3) disability and rehabilitation researchers or others who have a significant stake in the work of the National Institute on Disability and Rehabilitation Research. At least one-half of the members shall be individuals with disabilities or the individuals' representatives. Members will be invited to serve for 3-year terms, except that any member appointed to fill a vacancy for an unexpired term will be appointed for the remainder of such term. All non-federal members will serve as Special Government Employees.

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Program Authority: 29 U.S.C. § 765.

Dated: November 25, 2013.

Arne Duncan,

Secretary, U.S. Department of Education.

[FR Doc. 2013–30087 Filed 12–17–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Nuclear Energy Advisory Committee

AGENCY: Office of Nuclear Energy, Department of Energy.

ACTION: Notice of Renewal.

SUMMARY: Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, (Pub. L. 92–463), and in accordance with Title 41 of the Code of Federal Regulations, Section 102–3.65(a), and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Nuclear Energy Advisory Committee (NEAC) will be renewed for a two-year period beginning on December 12, 2013.

The Committee will provide advice to the Department of Energy's Office of Nuclear Energy on complex science and technical issues that arise in the

planning, managing, and implementation of DOE's nuclear energy program.

Additionally, the renewal of the NEAC has been determined to be essential to conduct business of the Department of Energy and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, adhering to the rules and regulations in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: Robert Rova, Designated Federal Officer at (301) 903–9096.

Issued at Washington, DC, on December 12, 2013.

Carol A. Matthews,

Committee Management Officer.

[FR Doc. 2013–30079 Filed 12–17–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and International Security, Department of Energy.

ACTION: Proposed Subsequent Arrangement.

SUMMARY: The Department is providing notice of a proposed agreement between the Government of the United States of America and the Government of the People's Republic of China that is being processed as a subsequent arrangement.

DATES: This subsequent arrangement will take effect no sooner than January 2, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Katie Strangis, Office of Nonproliferation and International Security, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–8623 or email: *Katie.Strangis@nnsa.doe.gov*.

SUPPLEMENTARY INFORMATION: The agreement that is being processed as a subsequent arrangement is a proposed Implementing Arrangement Between the Government of the United States of America and the Government of the People's Republic of China Under the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy (the Implementing Arrangement). The text of the Implementing Arrangement is appended at the end of this notice. The Implementing Arrangement will permit the exchange and joint development of Traveling Wave Reactor (TWR) design information and related technology between the United States and the People's Republic of China (China), in accordance with section 57.b(1) of the Atomic Energy Act of 1954, as amended (AEA). Section 57(b) states that persons seeking to export nuclear technology or assistance from the United States, the Secretary of Energy must find that the transfer is not inimical to the interests of the United States. Authorized U.S. persons pursuant to this Implementing Arrangement will fulfill this requirement by seeking the relevant license, codified in 10 CFR part 810, from the Department of Energy.

At the request of U.S. industry and the Chinese government, the Department of Energy/National Nuclear Security Administration (DOE/NNSA) and Department of State (DOS) negotiated an agreement with agencies of the Government of the People's Republic of China (China) that would facilitate the joint development of TWR technology between a U.S. commercial entity and a Chinese governmental entity engaged in similar technology development. DOE/NNSA and DOS negotiated the agreement as an implementing arrangement under the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy of [July 23, 1985] (123 Agreement) to cover the joint TWR work and permit the transfer of technology from the United States to China. The agencies of the Chinese government involved in the negotiations were the National Energy Administration (NEA), the China Atomic Energy Authority (CAEA), and the Ministry of Foreign Affairs (MFA). The Implementing Arrangement establishes the scope of cooperation and allows both governments to designate individuals and entities, including in the commercial sector, as ''Authorized Persons'' who are permitted to exchange and develop information and technology, subject to the conditions and restrictions set out in the Implementing Arrangement.

As provided in Section 131a. of the Atomic Energy Act of 1954, as amended, I have determined that this subsequent arrangement will not be inimical to the common defense and security of the United States. In reaching this determination, all relevant factors were considered.

Issued in Washington, DC, on December 9, 2013.

Richard Goorevich,

Senior Policy Advisor, Office of Nonproliferation and International Security, National Nuclear Security Administration.

IMPLEMENTING ARRANGEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA UNDER THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA CONCERNING PEACEFUL USES OF NUCLEAR ENERGY

The Government of the United States of America and the Government of the People's Republic of China (hereinafter referred to as the ''Parties''),

RECOGNIZING that the United States of America and the People's Republic of China are parties to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London and Moscow July 1, 1968;

NOTING the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy signed on July 23, 1985 (hereinafter referred to as the ''Agreement for Cooperation'');

NOTING the Exchange of Diplomatic Notes between the Parties on September 12, 2003, regarding their understanding concerning assurances for transfers of nuclear technology, and the Statement of Intent between the Department of Energy of the United States of America and the China Atomic Energy Authority on exchange of assurances for transfers of nuclear technology of September 16, 2003;

ACKNOWLEDGING the need to develop an appropriate mix of environmentally safe and secure sources of energy, including nuclear, to meet the needs of their respective countries' populations;

NOTING the shared commitment of the Parties to preventing nuclear proliferation;

EMPHASIZING the critical role of international safeguards in promoting international confidence in the peaceful uses of nuclear energy;

ACKNOWLEDGING their shared wish to facilitate research and development on relevant topics related to the peaceful uses of nuclear energy;

RECOGNIZING that research and development of traveling wave reactor (''TWR'') technology is ongoing in both the United States and the People's Republic of China and that the significant physical and intellectual investment in infrastructure required to support TWR development need not be duplicated by each Party, but rather can be shared and harmonized in an efficient and equitable fashion;

REALIZING that the successful development of traveling wave reactors for the production of power for peaceful purposes would contribute significantly to the peaceful uses of nuclear power

worldwide, non-proliferation, and the sustainable development of nuclear power;

WISHING to facilitate cooperation in the development and deployment of TWR technology;

NOTING that Article 3 of the Agreement for Cooperation provides that information and technology concerning the use of nuclear energy for peaceful purposes may be transferred, and Article 2, paragraph 2 of the Agreement for Cooperation provides that transfer of information and technology under the Agreement for Cooperation may be undertaken directly between the parties to that agreement or through authorized persons, subject to the terms of the Agreement for Cooperation and to such additional terms and conditions as may be agreed by the parties thereto; and

WISHING to provide for such additional terms and conditions for cooperation by the Parties and their authorized persons in the development and deployment of TWR technology in support of cooperative efforts to develop TWRs,

Have agreed as follows:

ARTICLE I

1. The Parties acknowledge their mutual interest in facilitating cooperation between their countries in the development of TWR technology on the basis of mutual benefit, equality and reciprocity, and shall endeavor to take steps to facilitate such cooperation, without prejudice to the rights and obligations of the Parties under this Implementing Arrangement and the Agreement for Cooperation.

2. Each Party shall endeavor not to take any action for the purpose of interfering with the development and deployment of TWR technology for peaceful purposes in accordance with the Agreement for Cooperation.

3. The Parties agree that, in fulfilling their obligations under this Implementing Arrangement, their cooperation on the development and deployment of TWR technology shall be in accordance with their respective applicable treaties, national laws and regulations. The Parties recognize, with respect to the observance of this Implementing Arrangement, the principle of international law that provides that a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

4. For purposes of this Implementing Arrangement: ''TWR technology'' means information or technology (including information incorporated in a nuclear reactor, component or equipment) that has not yet entered into the public domain and that is especially designed, prepared or necessary for the development, testing, manufacture, deployment, operation, or maintenance of traveling wave reactors, and for the manufacture, installation, or disposition of fuel for such reactors, and such other information which may be so designated by written agreement of the Parties.

''Traveling wave reactors'' or ''TWRs'' means reactors that would be designed to operate indefinitely using natural uranium, depleted uranium, spent light water reactor fuel, or thorium as reload fuel after start-up, and in which waves that breed and then burn would travel relative to the fuel. Under this Implementing Arrangement, standing wave reactors are covered by the definition of ''traveling wave reactors''.

ARTICLE II

1. The Executive Agent under this Implementing Arrangement for the Government of the United States of America shall be the United States Department of Energy, and the Executive Agents under this Implementing Arrangement for the Government of the People's Republic of China shall be the National Energy Administration of China and the China Atomic Energy Authority. In particular, the China Atomic Energy Authority is the leading Executive Agent for the People's Republic of China for implementing Article VI and Article VII of this Implementing Arrangement. Each Party may change its Executive Agents or add one or more additional Executive Agents by written notice to the other Party.

2. Each Party's Executive Agents shall have the right, in accordance with the laws and regulations of its country, and following written notification to the other Party's Executive Agents, to delegate responsibilities for the implementation of this Implementing Arrangement to other agencies, departments, or units of its respective government.

3. Each Party's Executive Agents shall endeavor to facilitate the participation, as appropriate, and coordination of all appropriate scientific and technical entities in that Party's country, including but not limited to fuel fabrication enterprises, nuclear power plants, and regulatory agencies, that will be involved in the cooperation subject to this Implementing Arrangement.

ARTICLE III

Each Party's Executive Agents shall designate in writing the individuals and/or entities within the jurisdiction of that Party authorized to participate in cooperation under this Implementing Arrangement in the development and deployment of TWR technology and, in connection with such cooperation, to transfer TWR technology to the Executive Agents and Authorized Persons of the other Party. Individuals and entities so designated by an Executive Agent of a Party are hereinafter referred to as ''Authorized Persons''.

ARTICLE IV

The areas of cooperation on development and deployment of TWR technology under this Implementing Arrangement shall include:

A) TWR reactor neutronics analysis and experimentation, including but not limited to reactor, plant shielding, nuclear data, software (source program), nuclear database, conceptual design, core and system design and certification in the phases, core and fuel management technology, model and calculation;

B) TWR reactor and plant safety, including but not limited to reactor system safety standards, accident analysis software, and accident management regulations;

C) TWR fuels and materials, including but not limited to long-life fuel; clad materials; structural materials; component materials; absorber materials; circuit materials; fuels and materials research and development (R&D); testing programs used to develop the fuels and materials manufacturing processes; experimental data; raw material; formulae; technological processes; and facilities and equipment used to manufacture the fuels and materials;

D) TWR nuclear steam supply systems and their associated components and equipment, including but not limited to design standard, component, equipment, and system design, thermal hydraulics, mechanics, and chemistry analysis;

E) TWR engineered safety features and their associated components, including but not limited to design standards, component and system design, and structural design;

F) TWR reactor building, including but not limited to containment design and structural and architectural analysis;

G) TWR reactor instrumentation and control, and application of computer science, including but not limited to survey, monitor, control, and protection systems;

H) TWR reactor quality assurance, non-destructive inspection practices, and in-service inspection technology;

I) TWR plant design, construction, debug, test run, operation, maintenance, and decommissioning technology;

J) TWR economic methodology and evaluation technology;

K) Treatment, storage, recycle, and disposal technology of TWR reactor and system spent fuel;

L) Treatment, storage, and disposal technology of TWR reactor and system radioactive waste; and

M) Such other areas as the Parties or their Executive Agents agree upon in writing.

ARTICLE V

1. Cooperation under this Implementing Arrangement with respect to the areas listed in Article IV may include, but is not limited to, the following forms:

A) Exchange of views and information;

B) Organization of, and participation in, seminars, workshops, and other meetings;

C) Exchange of scientists, engineers, and other specialists for agreed periods of time for cooperative training, and participation in experiments, analysis, design, and other research, development and demonstration activities at civilian scientific centers, academic institutions, nuclear reactor facilities, laboratories, engineering offices, and other facilities of the Parties;

D) Exchange, provision, or loan of samples, materials, instruments, components, and equipment for experiments, testing, and evaluation;

E) The use by one Party of the civilian facilities owned or operated by the other Party, subject in each case to the execution of an appropriate agreement therefor; and

F) Such other specific forms of cooperation as may be agreed by the Parties or their Executive Agents in writing.

2. The Parties agree that Authorized Persons from both countries may carry out cooperation under this Implementing

Arrangement through such forms as establishing a joint venture.

ARTICLE VI

1. Any TWR technology transferred by one Party (or its Authorized Persons) to the other Party (or its Authorized Persons) under this Implementing Arrangement as well as any TWR technology developed in the course of the cooperation under this Implementing Arrangement or jointly developed by two or more Authorized Persons through such cooperation shall be subject to this Implementing Arrangement. In addition, items derived from any TWR technology subject to this Implementing Arrangement or developed through the cooperation or jointly developed by two or more Authorized Persons through such cooperation under this Implementing Arrangement shall be subject to this Implementing Arrangement.

2. The following requirements shall apply to TWR technology and items subject to this Implementing Arrangement:

A) TWR technology and items subject to this Implementing Arrangement shall not be used for the production of any nuclear weapons or nuclear explosive device, or for research on or development of any such weapon or device, or for any military purpose.

B) TWR technology transferred under this Implementing Arrangement and items derived therefrom shall not be retransferred to unauthorized persons or, unless the Party that originally transferred the TWR technology agrees in advance in writing, from the jurisdiction of the other Party.

C) TWR technology developed in the course of the cooperation under this Implementing Arrangement or jointly developed by two or more Authorized Persons through such cooperation, and items derived therefrom, shall not be retransferred to unauthorized persons or, unless the Parties agree in advance in writing, from the jurisdiction of either Party.

D) Prior to the transfer to a third country of TWR technology or items subject to this Implementing Arrangement, the Parties by mutual agreement in writing will define the conditions in accordance with which such TWR technology or items may be transferred to the jurisdiction of the third country.

E) Each Party shall require recipients of TWR technology under this Implementing Arrangement to take all measures necessary to ensure adequate protection of the transferred TWR technology as well as technology developed in the course of the cooperation under this Implementing Arrangement or jointly developed by two or more Authorized Persons through such cooperation, and to ensure adequate physical protection of items under that Party's jurisdiction that are subject to this Implementing Arrangement. Such physical protection shall, as appropriate, provide protection at a minimum comparable to the recommendations set forth in the International Atomic Energy Agency Nuclear Security Series No. 13 entitled ''Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities'' (INFCIRC/225/Revision 5) and such further revisions of that document as agreed to by the Parties.

3. Technology or items determined by the Executive Agents pursuant to paragraph 4 E)(ii) of this Article VI to have been designed, constructed, fabricated, operated, or maintained independently of transferred technical data, technology or other information or items and of the cooperation under this Implementing Arrangement shall not be subject to the requirements of paragraph 2 of this Article VI.

4. The Executive Agents of the Parties shall determine jointly what information and technology may be subject to the terms and conditions of this Implementing Arrangement according to the following procedures:

A) Each Party, through its Executive Agents, shall require all its Authorized Persons to keep, and to provide to that Party's Executive Agents, an annual inventory of all technical data, technology or other information associated with the development, construction, deployment or use of a traveling wave reactor that is transferred to the other Party, one of its Executive Agents or any of its Authorized Persons.

B) Each Party, through its Executive Agents, shall require all its Authorized Persons to keep, and to provide to that Party's Executive Agents, an annual inventory of all technical data, technology or other information or cooperation associated with the development, construction, deployment or use of a traveling wave reactor that is developed in the course of the cooperation under this Implementing Arrangement or jointly developed by two or more Authorized Persons through such cooperation, and items derived therefrom.

C) Each Party, through its Executive Agents, shall require all its Authorized Persons to provide to its Executive Agents, prior to transferring any technical data, technology or other information or items to, or engaging in any cooperation with, the other Party under this Implementing Arrangement, its Executive Agents or any of its Authorized Persons, a list and description of what is to be transferred or jointly developed.

D) The Executive Agents of the Parties shall establish a cooperation plan though consultations by the following process:

i. Each Party's Executive Agents shall request that Party's Authorized Persons to consult with the Authorized Persons of the other Party to develop a proposed cooperation plan that outlines the scope of technical data, technology or other information or cooperation associated with the development, construction, deployment or use of a traveling wave reactor that is anticipated to be transferred, or communicated between the Parties, their Executive Agents or any of their Authorized Persons over a period to be agreed on by the Executive Agents. Based on the submissions from the Authorized Persons, the Executive Agents shall agree upon an initial cooperation plan at their initial consultation, which shall take place as soon as possible after the entry into force of this Implementing Arrangement but before any transfer of TWR technology by any Authorized Person.

ii. In subsequent years, the Executive Agents shall review the cooperation plan at annual consultations, or any time agreed by the Executive Agents, based on information obtained from Authorized Persons, regarding transfers and cooperation expected to take place in the following year, and shall make appropriate revisions or adjustments to the cooperation plan.

iii. Each Party, through its Executive Agents, shall authorize its Authorized Persons to cooperate with Authorized Persons of the other Party upon the adoption of the initial cooperation plan and only in accordance with the cooperation plan, as it may be revised from time to time.

E) The Executive Agents shall exchange and review annually the inventories referred to in subparagraphs A) and B) of this paragraph 4 and reach agreement on a final annual inventory subject to the terms and conditions of this Implementing Arrangement, through consultations by the following procedures:

i. Beginning at the end of the first year of cooperation under this Implementing Arrangement and in each subsequent year, each Party, through its Executive Agents, shall require each of its Authorized Persons to submit a list and description of what that Authorized Person has transferred, received or jointly developed through cooperation under this Implementing Arrangement in the previous year, and to work with the appropriate Authorized Persons of the other Party to seek agreement between all relevant Authorized Persons on such a list.

ii. The Executive Agents of both Parties shall review the lists referred to in subparagraph E)(i) and the annual inventories referred to in subparagraphs A) and B) of this paragraph 4 on an annual basis and seek to agree in writing on a final annual inventory (''Final Annual Inventory'') of what is subject to the terms and conditions of this Implementing Arrangement.

iii. The annual inventories referred to in subparagraphs A) and B) of this paragraph 4 shall be subject to the terms and conditions of this Implementing Arrangement, including but not limited to the provisions on retransfer in Article VII hereof, until completion of the review by the Executive Agents in the annual consultation of that year in accordance with subparagraph E) of this paragraph. Technical data, technology or other information or cooperation or items on the annual inventories referred to in subparagraphs A) and B) of this paragraph 4 that the Executive Agents of both Parties agree are not included within the scope of this Implementing Arrangement shall be removed from the Final Annual Inventory and shall not thereafter be subject to the terms and conditions of this Implementing Arrangement.

ARTICLE VII

1. Prior to any transfer of TWR technology or items subject to this Implementing Arrangement by any Party to a third country, the Party proposing to make such transfer (the transferring Party) shall request in written form the consent of the other Party (the consenting Party) or the Executive Agent for the consenting Party to the transfer of the specified TWR technology or items to the identified third country.

2. If the consenting Party or its Executive Agent provides to the transferring Party its

written consent to such transfer to that identified third country, subject to the agreed conditions in accordance with which such TWR technology or items may be transferred to the jurisdiction of that identified third country as provided in Article VI, paragraph 2, subparagraph D) above, the consenting Party shall obtain in advance from the identified third country to which the TWR technology or items are to be transferred the same assurances as those set forth in Article VI, paragraph 2.

3. The transferring Party shall ensure prior to the transfer that the appropriate governmental authority in the identified third country is informed that the TWR technology and items being retransferred are under obligation to the consenting Party.

4. After the consenting Party receives the same assurances as set forth in Article VI, paragraph 2, from the identified third country, that Party will inform the transferring Party that it may proceed with the proposed transfer.

ARTICLE VIII

The Parties recognize that arrangements for allocation of intellectual property rights and benefits of the cooperation by Authorized Persons under this Implementing Arrangement may be made separately between those Authorized Persons.

ARTICLE IX

1. This Implementing Arrangement shall enter into force on the date of the latest written notification between the Parties that they have completed their internal legal procedures necessary for its entry into force, and shall remain in force for five years, unless terminated as provided herein. For so long as the Agreement for Cooperation is in force, this Implementing Arrangement shall be automatically renewed for further five-year periods unless either Party notifies the other in writing at least six months prior to the expiration of the first five-year period or any succeeding five-year period that it does not wish to renew this Implementing Arrangement at the end of that period. In addition, this Implementing Arrangement shall terminate upon the termination or expiration of the Agreement for Cooperation.

2. This Implementing Arrangement may be amended by the Parties in writing.

3. This Implementing Arrangement may be terminated at any time by both Parties in writing, or by either Party with one year's advance notification in writing. Any termination or expiration shall be without prejudice to the rights which may have accrued under this Implementing Arrangement to either Party up to the date of such termination or expiration. Notwithstanding the termination or expiration of this Implementing Arrangement, the provisions of Articles VI and VII shall continue in effect until the Parties otherwise agree in writing.

4. Joint activities not completed at the termination or expiration of this Implementing Arrangement may, if agreed by the Parties in writing, be continued until their completion under the terms of this Implementing Arrangement so long as the Agreement for Cooperation remains in force.

5. This Implementing Arrangement is subject to the Agreement for Cooperation, and in case of any conflict between the Agreement for Cooperation and this Implementing Arrangement, the Agreement for Cooperation shall prevail. Any questions of interpretation or implementation relating to this Implementing Arrangement arising during its term shall be resolved by consultations between the Parties' Executive Agents or, if necessary, the Parties.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto by their respective governments, have signed this Implementing Arrangement.

[FR Doc. 2013–30080 Filed 12–17–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–23–000]

Enable Gas Transmission, LLC; Notice of Application

Take notice that on November 26, 2013, Enable Gas Transmission, LLC (Enable) 1111 Louisiana Street, Houston, Texas 77002, filed in the above reference docket application pursuant to section 7(b) and 7(c) of the of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting authorization for the Central Arkansas Pipeline Enhancement Project. Enable proposes to abandon and replace certain facilities in order to provide continued safe, reliable, and efficient transportation of natural gas service to the towns of Conway, Mayflower, Maumelle, North Little Rock, and Little Rock; all located in Pulaski and Faulkner Counties, Arkansas. Enable's proposal is more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to B. Michelle Willis, Manager, Regulatory and Compliance, Enable Gas Transmission, LLC, P.O. Box 21734 Shreveport, LA 71151 at (318) 429–3708.

Specifically, Enable proposes to construct approximately 28.5 miles of 12-inch pipeline (new Line BT–39), approximately 230 feet of 4-inch pipeline (new Line BT–40), and approximately 1,400 feet of 4-inch pipeline (new Line BT–41), as well as the installation of delivery points and necessary appurtenant facilities. In conjunction with the construction, Enable proposes to abandon an approximately 21.7 mile-long segment of existing Line B. Enable seeks authority to abandon by sale an approximately 12.4 mile-long segment of existing Line BT–14 and the entire line BT–19 to Enable's affiliated distribution business, CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Arkansas Gas. Enable also proposes to abandon in its entirety existing Line BM–1, and reconfigure Line BM–21.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the

proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: January 2, 2014.

Dated: December 11, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30035 Filed 12–17–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2524–021]

Grand River Dam Authority; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* P–2524–021.

c. *Date Filed:* November 27, 2013.

d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Salina Pumped Storage Project.

f. *Location:* The existing project is located on the Saline Creek arm of Lake Hudson in the Grand River basin in Mayes County, Oklahoma. The project does not affect federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Dr. Darrell Townsend, P.O. Box 70, Langley, Oklahoma, 74350–0070; (918) 256–0616; *dtownsend@grda.com.*

i. *FERC Contact:* Stephen Bowler, (202) 502–6861, or *stephen.bowler@ferc.gov.*

j. This application is not ready for environmental analysis at this time.

k. Description of Existing Project Facilities*: The existing Salina Pumped Storage Project consists* of: (1) The 762-acre W.R. Holway Reservoir (the upper reservoir), with a normal pool elevation between 850 feet and 865 feet National Geodetic Vertical Datum; (2) three rim dikes around the upper reservoir; (3) an 1,800-foot-long concrete-lined canal; (4) a 336-foot-wide, 62-foot-high forebay structure; (5) a 2,300-foot-long, 185-foot-high earthen dam; (6) six 14-foot-diameter penstocks, each between 630 and 680 feet long; (7) a powerhouse with six reversible pump-turbine units, each rated at 43.3 megawatt (MW), for a total installed capacity of 260 MW; (8) a substation; (9) an approximately 6-mile-long, 161-kilovolt transmission line; and (10) appurtenant facilities. The project utilizes Lake Hudson (the lower reservoir), which is the reservoir for the Grand River Dam Authority's Markham Ferry Project No. 2183, for pumped storage operations.

l. *Locations of the Application:* A copy of the application is available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. Copies are also available for inspection and reproduction at the public libraries in Vinita and Salina, Oklahoma, and at the Administrative Headquarters of the Grand River Dam Authority at 226 W. Dwain Willis Avenue, Vinita, Oklahoma.

m. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Procedural Schedule:*

The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Notice of Acceptance/Notice of Ready for Environmental Analysis	January 2014.
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions	March 2014.
Commission issues Draft EA	September 2014.
Comments on Draft EA	October 2014.
Modified Terms and Conditions	December 2014.
Commission Issues Final EA	March 2015.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: December 11, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30037 Filed 12–17–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12486–008]

Franklin County Idaho; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* 12486–008.

c. *Date Filed:* November 27, 2013.

d. *Applicant:* Twin Lakes Canal Company (Twin Lakes).

e. *Name of Project:* Bear River Narrows Hydroelectric Project.

f. *Location:* The proposed project would be located on the Bear River, near the city of Preston, in Franklin County, Idaho. The project would occupy 243 acres of federal land managed by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Nick E. Josten, Geosense, 2742 Saint Charles Avenue, Idaho Falls, ID 83404, (208) 528–6152.

i. *FERC Contact:* Shana Murray at *shana.murray@ferc.gov* or (202) 502–8333.

j. This application is not ready for environmental analysis at this time.

k. *The Project Description:* The proposed project facilities include: (1) A new 109-foot-high roller compacted concrete dam and spillway creating a reservoir with a gross storage capacity of 12,467 acre-foot; (2) a 48-foot-long, 16-foot-wide, and 20-foot-high concrete intake structure near the upstream toe of the dam; (3) a 14-foot-diameter, 600-foot-long steel penstock; (3) an 80-foot-long, 52-foot-wide, and 24-foot-high powerhouse containing two, 5-megawatt vertical Francis turbines with a combined maximum hydraulic capacity of 1,400 cubic feet per second (cfs); (4) a 0.74-mile, 46-kilovolt transmission line connecting a proposed substation near the base of the powerhouse to an existing, PacifiCorp-owned transmission line; and (5) appurtenant facilities.

Except for irrigation withdrawals during dry years, Twin Lakes proposes to operate in the project run-of-river, with daily releases from the new reservoir matching releases from the upstream Oneida Project (FERC No. 20). During dry water year irrigation releases, Twin Lakes proposes to release additional water for irrigation purposes but maintain a minimum flow downstream of the proposed project.

As an alternative, Twin Lakes is considering using the new reservoir to re-regulate discharge from upstream Oneida Reservoir, providing potential benefits to downstream aquatic habitat. In this mode the reservoir elevation would vary each day over a range of several feet.

Twin Lakes estimates that the average annual generation would be about 48,531 megawatt-hours.

l. *Locations of the Application:* A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Procedural Schedule:* The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Notice of Acceptance/Notice of Ready for Environmental Analysis	March 7, 2014.
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions	May 6, 2014.
Commission issues Draft EIS	November 3, 2014.
Comments on Draft EIS	January 12, 2015.
Modified Terms and Conditions	March 3, 2015.
Commission Issues Final EIS	June 1, 2015.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: December 11, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30038 Filed 12–17–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC11–60–004.

Applicants: Progress Energy, Inc., Duke Energy Corporation.

Description: Duke Energy submits a Motion to Supplement Compliance Filing and workpapers of Dr. Peter Fox-Penner.

Filed Date: 12/6/13.

Accession Number: 20131211–0023.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: EC14–36–000.

Applicants: Duke Energy Ohio, Inc.

Description: Application 203 of Duke Energy Ohio, Inc.

Filed Date: 12/10/13.

Accession Number: 20131210–5161.

Comments Due: 5 p.m. ET 12/31/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–2157–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 12–09–2013 SA 2289 H094 Compliance Filing to be effective 8/15/2013.

Filed Date: 12/9/13.

Accession Number: 20131209–5243.

Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER13–2337–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Midcontinent Independent System Operator, Inc. submits 12–10–2013 SA 2017 G540/G548 Barton-ITC GIA Compliance Filing to be effective 11/6/2013.

Filed Date: 12/10/13.

Accession Number: 20131210–5011.

Comments Due: 5 p.m. ET 12/31/13.

Docket Numbers: ER14–126–001.

Applicants: Yellow Jacket Energy, LLC.

Description: Yellow Jacket Energy, LLC submits Clarification to Market-Based Rate Application to be effective 12/18/2013.

Filed Date: 12/10/13.

Accession Number: 20131210–5021.

Comments Due: 5 p.m. ET 12/31/13.

Docket Numbers: ER14–584–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: LSCPR Cost Allocation Changes to be effective 12/31/9998.

Filed Date: 12/9/13.

Accession Number: 20131209–5209.

Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–585–000.

Applicants: PJM Interconnection, L.L.C.

Description: Notice of Cancellation of Original Service Agreement No. 2719; Queue No. V3–005 to be effective 1/6/2014.

Filed Date: 12/9/13.

Accession Number: 20131209–5239.

Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–586–000.

Applicants: Pacific Gas and Electric Company.

Description: Pacific Gas and Electric Company submits Amendments to the Port of Oakland IA—Service Agreement No. 4 under the TO to be effective 2/10/2014.

Filed Date: 12/9/13.

Accession Number: 20131209–5282.

Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–587–000.

Applicants: Avista Corporation.

Description: Avista Corporation submits Avista Corp OATT Order 784 Compliance Filing to be effective 12/27/2013.

Filed Date: 12/9/13.

Accession Number: 20131209–5284.

Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–588–000.

Applicants: Pacific Gas and Electric Company.

Description: Pacific Gas and Electric Company submits Port of Oakland Amendment to Remove the IA from the WDT to be effective 2/10/2014.

Filed Date: 12/9/13.

Accession Number: 20131209–5286.

Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–589–000.

Applicants: Idaho Power Company.

Description: Idaho Power Company submits BPA Conditional Firm Service Agreement to be effective 7/1/2016.

Filed Date: 12/10/13.

Accession Number: 20131210–5001.

Comments Due: 5 p.m. ET 12/31/13.

Description: Idaho Power Company submits BPA Conditional Firm Service.

Docket Numbers: ER14–590–000.

Applicants: KAP Analytics, LLC.

Description: KAP Analytics, LLC submits Cancellation of MBR Tariff to be effective 12/11/2013.

Filed Date: 12/10/13.

Accession Number: 20131210–5010.

Comments Due: 5 p.m. ET 12/31/13.

Docket Numbers: ER14–591–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits 2635 Lincoln Electric System GIA to be effective 11/26/2013.

Filed Date: 12/10/13.

Accession Number: 20131210–5012.

Comments Due: 5 p.m. ET 12/31/13.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–14–000.

Applicants: Kansas Gas and Electric Company.

Description: Application under Section 204 of Kansas Gas and Electric Company.

Filed Date: 12/10/13.

Accession Number: 20131210–5155.

Comments Due: 5 p.m. ET 12/31/13.

Docket Numbers: ES14–15–000.

Applicants: Kansas Gas and Electric Company.

Description: Application under Section 204 of Kansas Gas and Electric Company.

Filed Date: 12/10/13.

Accession Number: 20131210–5162.

Comments Due: 5 p.m. ET 12/31/13.

Docket Numbers: ES14–16–000.

Applicants: Westar Energy, Inc.

Description: Application under Section 204 of Westar Energy, Inc.

Filed Date: 12/10/13.

Accession Number: 20131210–5160.

Comments Due: 5 p.m. ET 12/31/13.

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 11, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–30095 Filed 12–17–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–2378–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Midcontinent Independent System Operator, Inc. submits 12–11–2013 SA 2536 J238 Deficiency Response to be effective 9/14/2013.

Filed Date: 12/11/13.

Accession Number: 20131211–5051.

Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–592–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits 2633 Oklahoma Municipal Power Authority GIA to be effective 11/15/2013.

Filed Date: 12/11/13.

Accession Number: 20131211–5075.

Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–593–000.

Applicants: AEP Energy Partners, Inc.

Description: AEP Energy Partners, Inc. submits AEP Energy Partners MBR Waiver to be effective 2/10/2014.

Filed Date: 12/11/13.

Accession Number: 20131211–5112.

Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–594–000.

Applicants: Ohio Power Company.

Description: Ohio Power Company submits Ohio Power Company MBR Tariff Filing to be effective 2/10/2014.
Filed Date: 12/11/13.
Accession Number: 20131211–5113.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–595–000.
Applicants: Ohio Power Company.
Description: Ohio Power Company submits Cancellation of Ohio Power's MBR Baseline Concurrence—AEP Op Co Tariff to be effective 2/14/2014.
Filed Date: 12/11/13.
Accession Number: 20131211–5114.
Comments Due: 5 p.m. ET 1/2/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–17–000.
Applicants: Prairie Wind Transmission, LLC.
Description: Application under Section 204 of Prairie Wind Transmission, LLC.
Filed Date: 12/11/13.
Accession Number: 20131211–5139.
Comments Due: 5 p.m. ET 1/2/14.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA14–1–000.
Applicants: Arizona Solar One LLC.
Description: Application for Waivers of Order Nos. 888, 889 & 890 and Standards of Conduct under Part 358 of Commission regulations of Arizona Solar One LLC.
Filed Date: 12/11/13.
Accession Number: 20131211–5123.
Comments Due: 5 p.m. ET 1/2/14.

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 11, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–30096 Filed 12–17–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2564–002; ER10–2600–002; ER10–2289–002.
Applicants: Tucson Electric Power Company, UNS Electric, Inc., UniSource Energy Development Company.
Description: Second Supplement, Errata and Clarification to December 14, 2012 Triennial Market Power Update of Tucson Electric Power Company, et. al.
Filed Date: 12/9/13.
Accession Number: 20131209–5081.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER11–3643–000.
Applicants: PacifiCorp.
Description: PacifiCorp submits TRC Refund Report to be effective N/A.
Filed Date: 12/9/13.
Accession Number: 20131209–5164.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–7–000.
Applicants: American Electric Power Service Corporation.
Description: Amendment to Application of American Electric Power Service Corporation.
Filed Date: 12/6/13.
Accession Number: 20131206–5161.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–570–000.
Applicants: Rail Splitter Wind Farm, LLC.
Description: Rail Splitter Wind Farm, LLC submits Second Revised MBR to be effective 12/10/2013.
Filed Date: 12/9/13.
Accession Number: 20131209–5141.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–571–000.
Applicants: Sagebrush Power Partners, LLC.
Description: Sagebrush Power Partners, LLC submits First Rev MBR to be effective 12/10/2013.
Filed Date: 12/9/13.
Accession Number: 20131209–5142.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–572–000.
Applicants: Sustaining Power Solutions LLC.
Description: Sustaining Power Solutions LLC submits First Revised MBR Tariff to be effective 12/10/2013.
Filed Date: 12/9/13.
Accession Number: 20131209–5145.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–573–000.
Applicants: Wheat Field Wind Power Project LLC.
Description: Wheat Field Wind Power Project LLC submits First Revised MBR Tariff to be effective 12/10/2013.
Filed Date: 12/9/13.
Accession Number: 20131209–5150.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–574–000.
Applicants: Blackstone Wind Farm, LLC.
Description: Blackstone Wind Farm, LLC submits First Revised MBR Tariff to be effective 12/10/2013.
Filed Date: 12/9/13.
Accession Number: 20131209–5151.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–575–000.
Applicants: Marble River, LLC.
Description: Marble River, LLC submits First Revised MBR to be effective 12/10/2013.
Filed Date: 12/9/13.
Accession Number: 20131209–5153.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–576–000.
Applicants: Meadow Lake Wind Farm LLC.
Description: Meadow Lake Wind Farm LLC submits First Rev MBR Tariff to be effective 12/10/2013.
Filed Date: 12/9/13.
Accession Number: 20131209–5154.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–577–000.
Applicants: Meadow Lake Wind Farm II LLC.
Description: Meadow Lake Wind Farm II LLC submits First Rev MBR Tariff to be effective 12/10/2013.
Filed Date: 12/9/13.
Accession Number: 20131209–5155.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–578–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits Notice of Cancellation of Original Service Agreement No. 3419; Queue No. X3–077 to be effective 1/14/2014.
Filed Date: 12/9/13.
Accession Number: 20131209–5156.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–579–000.
Applicants: PacifiCorp.
Description: PacifiCorp submits Termination of UAMPS Horse Butte Communications Installment Agreement to be effective 2/8/2014.
Filed Date: 12/9/13.
Accession Number: 20131209–5165.
Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–580–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits Notice of Cancellation of Original Service Agreement No. 3418;

Queue No. X3–071 to be effective 1/14/2014.

Filed Date: 12/9/13.

Accession Number: 20131209–5174.

Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–581–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: ISO New England Inc. submits MR1 Rev. Re. DR Commercial Operation Auditing to be effective 6/1/2014.

Filed Date: 12/9/13.

Accession Number: 20131209–5183.

Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–582–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits Notice of Cancellation of Original Service Agreement No. 3500; Queue No. Y1–064 to be effective 1/3/2014.

Filed Date: 12/9/13.

Accession Number: 20131209–5184.

Comments Due: 5 p.m. ET 12/30/13.

Docket Numbers: ER14–583–000.

Applicants: Caithness Long Island, LLC.

Description: Caithness Long Island, LLC submits First Revised MBR Tariff to be effective 12/10/2013.

Filed Date: 12/9/13.

Accession Number: 20131209–5186.

Comments Due: 5 p.m. ET 12/30/13.

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 9, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–30094 Filed 12–17–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–35–000.

Applicants: Mojave Solar LLC.

Description: Application for the Distribution of Jurisdictional Facilities of Mojave Solar LLC under Section 203 of the FPA.

Filed Date: 12/6/13.

Accession Number: 20131206–5251.

Comments Due: 5 p.m. ET 12/27/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1103–003; ER10–1119–003; ER10–1123–003.

Applicants: Ameren Illinois Company, Union Electric Company, AmerenEnergy Medina Valley Cogen, L.L.C.

Description: Notice of change in status of the Ameren Entities.

Filed Date: 12/6/13.

Accession Number: 20131206–5183.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–407–001.

Applicants: Capacity Markets Partners, LLC.

Description: Amended Application for Market-Based Rates to be effective 12/1/2013.

Filed Date: 12/6/13.

Accession Number: 20131206–5182.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–498–001.

Applicants: Pacific Gas and Electric Company.

Description: Errata to Western WDT November 2013 Biannual Filing to be effective 2/1/2014.

Filed Date: 12/6/13.

Accession Number: 20131206–5226.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–499–001.

Applicants: Pacific Gas and Electric Company.

Description: Errata to Western IA November 2013 Biannual Filing to be effective 2/1/2014.

Filed Date: 12/6/13.

Accession Number: 20131206–5230.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–544–000.

Applicants: Blue Canyon Windpower LLC.

Description: Second Revised MBR to be effective 12/7/2013.

Filed Date: 12/6/13.

Accession Number: 20131206–5145.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–545–000.

Applicants: Blue Canyon Windpower II LLC.

Description: Second Revised MBR Tariff to be effective 12/7/2013.

Filed Date: 12/6/13.

Accession Number: 20131206–5146.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–546–000.

Applicants: High Trail Wind Farm, LLC.

Description: Second Revised MBR Tariff to be effective 12/7/2013.

Filed Date: 12/6/13.

Accession Number: 20131206–5147.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–547–000.

Applicants: Old Trail Wind Farm, LLC.

Description: Second Rev MBR to be effective 12/7/2013.

Filed Date: 12/6/13.

Accession Number: 20131206–5148.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–548–000.

Applicants: Telocaset Wind Power Partners, LLC.

Description: Second Rev MBR Tariff to be effective 12/7/2013.

Filed Date: 12/6/13.

Accession Number: 20131206–5149.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–549–000.

Applicants: California Independent System Operator Corporation.

Description: 2013–12–06 Notice of Termination of Service Agreement No. 1992—Rice Solar PPGA to be effective 5/21/2013.

Filed Date: 12/6/13.

Accession Number: 20131206–5176.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–550–000.

Applicants: Pacific Gas and Electric Company.

Description: Revisions to Market-Based Rate Tariff Pursuant to Order No. 784 to be effective 2/5/2014.

Filed Date: 12/6/13.

Accession Number: 20131206–5181.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–551–000.

Applicants: California Independent System Operator Corporation.

Description: 2013–12–06 Notice of Termination of Rate Schedule No. 31—WAPA–DSR IBAAOA to be effective 2/5/2014.

Filed Date: 12/6/13.

Accession Number: 20131206–5195.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–552–000.

Applicants: New York Independent System Operator, Inc.

Description: Tariff amendments to implement CTS with PJM to be effective 12/31/9998.

Filed Date: 12/6/13.
Accession Number: 20131206–5196.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–553–000.
Applicants: Cloud County Wind Farm, LLC.
Description: Second Revised MBR to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5201.
Comments Due: 5 p.m. ET 12/27/13.
Docket Numbers: ER14–554–000.
Applicants: Arlington Wind Power Project LLC.
Description: 1st Revised MBR to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5208.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–555–000.
Applicants: High Prairie Wind Farm II, LLC.
Description: Second Revised MBR to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–520.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–556–000.
Applicants: Lost Lakes Wind Farm LLC.
Description: Second Revised MBR Tariff to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5210.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–557–000.
Applicants: Meadow Lake Wind Farm III LLC.
Description: First Revised MBR to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5215.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–558–000.
Applicants: Blackstone Wind Farm II LLC.
Description: 1st Revised MBR to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5216.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–559–000.
Applicants: Meadow Lake Wind Farm IV LLC.
Description: First Revised MBR to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5217.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–560–000.
Applicants: Paulding Wind Farm II LLC.
Description: First Rev MBR to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5218.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–561–000.
Applicants: Pioneer Prairie Wind Farm I, LLC.
Description: Second Revised MBR to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5222.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–562–000.
Applicants: Blue Canyon Windpower V LLC.
Description: 2nd Revised MBR to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5223.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–563–000.
Applicants: Indigo Generation LLC.
Description: MBR Clarification Compliance Filing to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5225.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–564–000.
Applicants: Larkspur Energy LLC.
Description: MBR Clarification Compliance Filing to be effective 12/7/2013.

Filed Date: 12/6/13.
Accession Number: 20131206–5227.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–565–000.
Applicants: Blue Canyon Windpower VI LLC.
Description: 1st Revised MBR to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5232.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–566–000.
Applicants: Wildflower Energy LP.
Description: MBR Clarification Compliance Filing to be effective 12/7/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5237.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–567–000.
Applicants: Alabama Power Company.
Description: Powersouth NITSA Amendment Filing (to add Providence Road Delivery Point) to be effective 12/1/2013.
Filed Date: 12/6/13.
Accession Number: 20131206–5238.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–568–000.
Applicants: California Independent System Operator Corporation.
Description: 2013–12–06 Filing of Western-DSR ABAOA—Rate Schedule No. 74 to be effective 2/5/2014.
Filed Date: 12/6/13.
Accession Number: 20131206–5239.
Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14–569–000.

Applicants: California Independent System Operator Corporation.

Description: 2013–12–06 Western-DSR DTA Rate Sched 75 to be effective 2/5/2014.

Filed Date: 12/6/13.

Accession Number: 20131206–5241.

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 9, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–30093 Filed 12–17–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[EG13–57–000; EG13–58–000; EG13–59–000; EG13–60–000; EG13–61–000; EG13–62–000; EG13–63–000; EG13–64–000; FC13–13–000]

Genesis Solar, LLC; NRG Delta LLC; Mountain View Solar, LLC; Pheasant Run Wind, LLC; Pheasant Run Wind II, LLC; Tuscola Wind II, LLC; Mountain Wind Power, LLC; Mountain Wind Power II, LLC; Summerhaven Wind, LP; Notice of Effectiveness of Exempt Wholesale Generator or Foreign Utility Company Status

Take notice that during the month of November 2013, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Dated: December 9, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30036 Filed 12–17–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: December 19, 2013, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda

* Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400. For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1000TH-MEETING, REGULAR MEETING, DECEMBER 19, 2013, 10:00 a.m.

Item No.	Docket No.	Company
	ADMINISTRATIVE	
A–1	AD02–1–000	Agency Business Matters.
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations.
A–3	AD14–4–000	FERC Retrospective.
	ELECTRIC	
E–1	ER13–1724–000, ER13–1860–000	Nevada Power Company.
E–2	ER13–83–001, ER13–83–002, ER13–88–001, ER13–88–002.	Duke Energy Carolinas LLC and Carolina Power and Light Company, Alcoa Power Generating, Inc.
E–3	AD12–16–000	Capacity Deliverability Across the Midwest Independent Transmission System Operator, Inc./PJM Interconnection, L.L.C. Seam.
	AD14–3–000	Coordination of Energy and Capacity Across the Midcontinent Independent System Operator, Inc./PJM Interconnection, L.L.C Seam.
E–4	RM13–7–000	Protection System Maintenance Reliability Standard.
E–5	OMITTED.	
E–6	ER13–2468–000	Midcontinent Independent System Operator, Inc.
E–7	ER14–106–000, ER14–106–001	Midcontinent Independent System Operator, Inc.
E–8	ER14–146–000	Nevada Power Company.
	ER14–147–000	Sierra Pacific Power Company.
	ER14–149–000	NV Energy, Inc.
E–9	ER14–108–000	Entergy Louisiana, LLC, Entergy Arkansas, Inc., Entergy Gulf States Louisiana, L.L.C., Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Texas, Inc.
E–10	ER02–653–002	PacifiCorp.
E–11	OMITTED.	
E–12	ER13–2452–000	California Independent System Operator Corporation.
E–13	ER14–291–000	California Independent System Operator Corporation.
E–14	ER14–68–000	California Independent System Operator Corporation.
E–15	ER14–84–000	California Independent System Operator Corporation.
E–16	ER11–3277–002, ER13–2273–000	Sky River LLC.
E–17	ER12–2706–002	Midwest Independent Transmission System Operator, Inc.
E–18	ER12–309–005	Midwest Independent Transmission System Operator, Inc.
E–19	ER12–2706–001	Midwest Independent Transmission System Operator, Inc.
E–20	ER14–90–000	ISO New England Inc.
E–21	OMITTED.	
E–22	EL13–54–000, QF11–141–002	Gadwall Wind LLC.
E–23	EL14–1–000	Pioneer Wind Park I, LLC.
E–24	EL13–42–001	Cargill Power Markets, LLC v. NV Energy, Inc.
E–25	EL13–88–000	Northern Indiana Public Service Company v. Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C.
E–26	OMITTED.	
E–27	EL13–59–001, QF11–178–003	Kootenai Electric Cooperative, Inc.
E–28	ER13–911–000	Smoky Mountain Transmission LLC.
E–29	ER13–76–000, ER13–1837–000	Terra-Gen Dixie Valley, LLC.
E–30	ER13–109–000, ER13–110–000, ER13–111–000.	Peetz Logan Interconnect, LLC, Sagebrush, a California partnership, Sky River LLC.
E–31	RC13–4–001	South Louisiana Electric Cooperative Association.
E–32	EC13–128–000	Silver Merger Sub, Inc., NV Energy, Inc., Nevada Power Company, Sierra Pacific Power Company, MidAmerican Energy Holding Company.
	GAS	
G–1	RP13–1041–000	Iroquois Gas Transmission System, L.P.

1000TH-MEETING, REGULAR MEETING, DECEMBER 19, 2013, 10:00 a.m.—Continued

Item No.	Docket No.	Company
G–2	RP12–945–001, AC13–112–000	High Point Gas Transmission, LLC.
G–3	RP13–185–000	Viking Gas Transmission Company.
HYDRO		
H–1	P–13579–002, P–14491–000	FFP Qualified Hydro 14, LLC, Western Minnesota Municipal Power Agency.
H–2	P–2146–139	Alabama Power Company.
CERTIFICATES		
C–1	CP13–477–000	Columbia Gas Transmission, LLC.
C–2	CP13–91–000, CP13–92–000, CP13–93–000.	Gulf South Pipeline Company, LP.
C–3	CP12–497–001	Transcontinental Gas Pipe Line Company, LLC.

Issued December 12, 2013.

Kimberly D. Bose,

Secretary.

A free Webcast of this event is available through *www.ferc.gov*. Anyone with Internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar.

The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2013–30158 Filed 12–16–13; 11:15 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0732; FRL–9903–56]

Pesticide Experimental Use Permit; Notice of Receipt of Application; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application requesting an experimental use permit (EUP). The Agency has determined that the permit may be of regional and national significance. Therefore, because of the potential significance, and pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and is seeking comments on this application.

DATES: Comments must be received on or before January 17, 2014. Submit your comments, identified by docket identification (ID) number and the EUP File Symbol of interest as shown in the body of this document, by one of the following methods:

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the EUP File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (RD), (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water. Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**. Therefore, pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the following EUP application:

264–EUP–RUI. (EPA–HQ–OPP–2013–0732). *Submitter:* Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Pesticide chemical:* Fluoxastrobin. *Type of chemical:* Fungicide. *Summary of request:* For use as a seed treatment on corn for efficacy against seedling infections of soilborne plant pathogenic fungi *Fusarium, Rhizoctonia, Pythium and Colletotrichum,* and to aid in suppression of late season stalk rot. This is a crop-destruct EUP. *Amount of product to be used:* maximum of 0.162 milligram (mg) fluoxastrobin per seed with a seed/pound (lb) average of 1,681 for field corn. Final planting no later than March 1, 2014, with field testing complete within 2 years.

List of Subjects

Environmental protection, Experimental use permits.

Dated: December 6, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2013–29980 Filed 12–17–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0025; FRL–9903–82]

Notice of Receipt of Pesticide Products; Registration Applications To Register New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register new uses for pesticide products containing currently registered active ingredients pursuant to the provisions of section 3(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This notice provides the public with an opportunity to comment on the applications.

DATES: Comments must be received on or before January 17, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the EPA Registration Number or EPA File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under the Agency's public participation process for registration actions, there will be an additional opportunity for a 30-day public comment period on the proposed decision. Please see the Agency's public participation Web site for additional information on this process (*http://www.epa.gov/pesticides/regulating/registration-public-involvement.html*). EPA received the following applications to register new uses for pesticide products containing currently registered active ingredients:

1. *EPA Registration Numbers:* 241–245 (Pendimethalin Technical) and 241–418 (Prowl H2O Herbicide). *Docket ID number:* EPA–HQ–OPP–2013–0768. *Applicant:* BASF Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, NC 27709. *Active ingredient:* Pendimethalin. *Product type:* Herbicide. *Proposed uses:* Hops; onion, bulb, subgroup 3–07–A; onion, green, subgroup 3–07B; vegetable, fruiting, group 8–10; fruit, citrus, group 10–10; fruit, pome, group 11–10; fruit, stone, group 12–12; berry, low growing, subgroup 13–07G; sunflower, subgroup 20B.

2. *EPA Registration Number:* 279–3149. *Docket ID number:* EPA–HQ–OPP–2013–0712. *Applicant:* FMC Corporation, 1735 Market St., Philadelphia, PA 19103. *Active ingredient:* Sulfentrazone. *Product type:* Herbicide. *Proposed use:* Formulation into end-use sulfentrazone products used for weed control in apple orchards.

3. *EPA Registration Numbers:* 279–3189, 279–3220 and 279–3370. *Docket ID Number:* EPA–HQ–OPP–2013–0712. FMC Corporation, 1735 Market St., Philadelphia, PA 19103. *Active ingredient:* Sulfentrazone. *Product type:* Herbicide. *Proposed use:* Weed control in apple orchards.

4. *EPA Registration Number:* 7969–155. *Docket ID number:* EPA–HQ–OPP–2013–0670. *Applicant:* BASF Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, NC 27709. *Active ingredient:* Dimethenamid. *Product type:* Herbicide. *Proposed use:* Formulation into end-use dimethenamid products used for weed control in cotton.

5. *EPA Registration Number:* 7969–156. *Docket ID number:* EPA–HQ–OPP–2013–0670. *Applicant:* BASF Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, NC 27709. *Active ingredient:* Dimethenamid. *Product type:* Herbicide. *Proposed use:* Weed control in cotton.

6. *EPA Registration Numbers:* 59639–136 and 63588–12. *Docket ID number:* EPA–HQ–OPP–2013–0773. *Applicant:* Valent, U.S.A. Corporation, 1101 14th St., NW., Suite 1050, Washington, DC 20005. *Active ingredient:* Bispyribac-sodium. *Product type:* Herbicide. *Proposed uses:* Athletic fields, commercial and residential turf.

7. *EPA Registration Numbers:* 71512–11 and 71512–18. *Docket ID number:* EPA–HQ–OPP–2013–0445. *Applicant:* ISK Biosciences Corporation, 7470 Auburn Rd., Suite A, Concord, OH 44077. *Active ingredient:* Flazasulfuron. *Product type:* Herbicide. *Proposed use:* Tree nuts.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: December 6, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2013–30139 Filed 12–17–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0770; FRL–9402–9]

Registration Applications for Pesticide Products Containing New Active Ingredients; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; corrections.

SUMMARY: EPA issued a notice in the **Federal Register** of August 14, 2012, concerning a new active ingredient (AI). The name of an AI was changed during the registration assessment process. This document corrects the name of the AI.

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

The Agency included in the August 14, 2012 notice a list of those who may be potentially affected by this action.

B. How can I get copies of this document and other related information?

The dockets for these actions, identified by the docket ID number of the notice being corrected, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What does this correction do?

1. *EPA–HQ–OPP–2012–0391.* In FR Doc. 2012–19989, published in the **Federal Register** of August 14, 2012 (77 FR 48519) (FRL–9357–7), is corrected as follows: On page 48520, under the heading ''II. Registration Applications,'' first column, paragraph number 2., File Symbol: 88847–R, lines 5 and 6, correct

''GS-U-ACTX-Hv1a-SEQ2'' to read ''GS-omega/kappa-Hxtx-Hv1a.''

2. *EPA–HQ–OPP–2012–0391.* In FR Doc. 2012–19989, published in the **Federal Register** of August 14, 2012 (77 FR 48519) (FRL–9357–7), is corrected as follows: On page 48520, under the heading ''II. Registration Applications,'' first and second columns, paragraph number 3., File Symbol: 88847–E, lines 5 and 6, correct ''GS-U-ACTX-Hv1a-SEQ2'' to read ''GS-omega/kappa-Hxtx-Hv1a.''

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 11, 2013.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2013–29976 Filed 12–17–13; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice: 2013–0059]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP088132XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States (''Ex-Im Bank''), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million (as calculated in accordance with Section 3(c)(10) of the Charter).

Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction.

DATES: Comments must be received on or before January 13, 2014 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

ADDRESSES: Comments may be submitted through Regulations.gov at *WWW.REGULATIONS.GOV.* To submit a comment, enter EIB–2013–0059 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2013–0059 on any attached document.

Reference: AP088132XX.

Purpose and Use:

Brief description of the purpose of the transaction:

To support the export of U.S.-manufactured commercial helicopters to the United Kingdom.

Brief non-proprietary description of the anticipated use of the items being exported:

To be used for search and rescue services for the U.K. government.

To the extent that Ex-Im Bank is reasonably aware, the items being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier: Sikorsky Aircraft Corporation

Obligor: The Milestone Aviation Group Limited

Guarantor(s): None

Description of Items Being Exported: The items being exported are Sikorsky S–92A helicopters.

Information on Decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Cristopolis Dieguez,

Program Specialist, Office of the General Counsel.

[FR Doc. 2013–30028 Filed 12–17–13; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Resolution of Systemically Important Financial Institutions: The Single Point of Entry Strategy

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice; request for comments.

SUMMARY: Since enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) in 2010, the FDIC has been developing its capabilities for implementing the Orderly Liquidation Authority established under Title II of that Act to allow for the orderly resolution of a systemically important financial institution. This notice describes in greater detail the Single Point of Entry strategy, highlights some of the issues identified in connection with the strategy, and requests public comment on various aspects of the strategy.

DATES: Comments must be received by the FDIC by February 18, 2014.

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

- *Agency Web Site: http://www.fdic.gov/regulations/laws/federal.* Follow instructions for Submitting comments on the Agency Web site.
- *Email: Comments@FDIC.gov.* Include ''Single Point of Entry Strategy'' in the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m. (EST).
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal* including any personal information provided. Comments may be inspected and photocopied in the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226, between 9 a.m. and 5 p.m. (EST) on business days. Paper copies of public comments may be ordered from the Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT: Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429: Office of Complex Financial Institutions: Herbert Held, Associate Director, Systemic Resolutions & Policy Implementation Group, Resolution Strategy & Implementation Branch (202) 898–7329; Rose Kushmeider, Acting Assistant Director, Systemic Resolutions & Policy Implementation Group, Policy Section (202) 898–3861; Legal Division: R. Penfield Starke, Assistant General Counsel, Receivership Section, Legal Division (703) 562–2422; Elizabeth Falloon, Supervisory Counsel, Receivership Policy Unit, Legal Division (703) 562–6148.

SUPPLEMENTARY INFORMATION:

Background

Since the passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) the FDIC has been developing its capability for resolving systemically important financial institutions (SIFIs). The Orderly Liquidation Authority (OLA) set out in Title II of the Dodd-Frank Act provides the FDIC with the ability to resolve such firms when bankruptcy would have serious adverse effects on financial stability in the United States. After consultation with public and private sector stakeholders, the FDIC has been developing what has become known as the Single Point of Entry (SPOE) strategy to implement its Authority. The purpose of this document is to provide greater detail on the SPOE strategy and to highlight issues that have been identified during the development of this strategy. We are seeking comment on this strategy and these issues to assist the FDIC in implementing its OLA responsibilities.

The financial crisis that began in late 2007 demonstrated the lack of sufficient resolution planning on the part of market participants. In the absence of adequate and credible resolution plans on the part of global systemically important financial institutions (G–SIFIs), the financial crisis highlighted deficiencies in existing U.S. financial institution resolution regime as well the complexity of the international structures of G–SIFIs. At that time, the FDIC's receivership authorities were limited to federally insured banks and thrift institutions. The lack of authority to place a holding company or affiliates of an insured depository institution (IDI) or any other non-bank financial company into an FDIC receivership to avoid systemic consequences limited policymakers' options, leaving them with the poor choice of bail-outs or disorderly bankruptcy. In the aftermath of the crisis, Congress enacted the Dodd-Frank Act in July 2010.

Title I and Title II of the Dodd-Frank Act provide significant new authorities to the FDIC and other regulators to address the failure of a SIFI. Title I requires all companies covered under it to prepare resolution plans, or ''living wills,'' to demonstrate how they would be resolved in a rapid and orderly manner under the Bankruptcy Code (or other applicable insolvency regime) in the event of material financial distress or failure. Although the statute makes clear that bankruptcy is the preferred resolution framework in the event of the failure of a SIFI, Congress recognized that a SIFI might not be resolvable under bankruptcy without posing a systemic risk to the U.S. economy.

Title II, therefore, provides a back-up authority to place a SIFI into an FDIC receivership process if no viable private-sector alternative is available to prevent the default of the financial company and if a resolution through the bankruptcy process would have serious adverse effects on U.S. financial stability. Title II gives the FDIC new OLA that provides the tools necessary to ensure the rapid and orderly resolution of a covered financial company.

While the Dodd-Frank Act does not specify how a resolution should be structured, Title II clearly establishes certain policy goals. The FDIC must resolve the covered financial company in a manner that holds owners and management responsible for its failure accountable—in order to minimize moral hazard and promote market discipline—while maintaining the stability of the U.S. financial system. Creditors and shareholders must bear the losses of the financial company in accordance with statutory priorities and without imposing a cost on U.S. taxpayers.

In developing a resolution strategy the FDIC considered how it could overcome a number of impediments that must be addressed in any resolution. Key impediments are:

- Multiple Competing Insolvencies: Multiple jurisdictions, with the possibility of different insolvency frameworks, raise the risk of discontinuity of critical operations and uncertain outcomes;
- Global Cooperation: The risk that lack of cooperation could lead to ring-fencing of assets or other outcomes that could exacerbate financial instability in the United States and/or loss of franchise value, as well as uncertainty in the markets;
- Operations and Interconnectedness: The risk that services provided by an affiliate or third party might be interrupted, or access to payment and clearing capabilities might be lost;
- Counterparty Actions: The risk that counterparty actions might create operational challenges for the company, leading to systemic market disruption or financial instability in the United States; and
- Funding and Liquidity: The risk of insufficient liquidity to maintain critical operations, which may arise from increased margin requirements, termination or inability to roll over short-term borrowings, loss of access to alternative sources of credit.

Additionally, the FDIC and the Federal Reserve issued Guidance in 2013 asking SIFIs filing their second Resolution Plans to discuss strategies for overcoming these obstacles in those Plans. Addressing these impediments would facilitate resolution under the bankruptcy process and, if necessary, under a Title II process.

The Single Point of Entry Strategy

To implement its authority under Title II, the FDIC is developing the SPOE strategy. In choosing to focus on the SPOE strategy, the FDIC determined that the strategy would hold shareholders, debt holders and culpable management accountable for the failure of the firm. Importantly, it would also provide stability to financial markets by allowing vital linkages among the critical operating subsidiaries of the firm to remain intact and preserving the continuity of services between the firm and financial markets that are necessary for the uninterrupted operation of the payments and clearing systems, among other functions.

Overview

U.S. SIFIs generally are organized under a holding company structure with a top-tier parent and operating subsidiaries that comprise hundreds, or even thousands, of interconnected entities that span legal and regulatory jurisdictions across international borders and share funding and support services. Functions and core business lines often are not aligned with individual legal entity structures. Critical operations can cross legal entities and jurisdictions and funding is often dispersed among affiliates as need arises. These integrated structures make it very difficult to conduct an orderly resolution of one part of the company without triggering a costly collapse of the entire company and potentially transmitting adverse effects throughout the financial system. Additionally, it is the top-tier company that raises the equity capital of the institution and subsequently down-streams equity and some debt funding to its subsidiaries.

In resolving a failed or failing SIFI the FDIC seeks to promote market discipline by imposing losses on the shareholders and creditors of the top-tier holding company and removing culpable senior management without imposing cost on taxpayers. This would create a more stable financial system over the longer term. Additionally, the FDIC seeks to preserve financial stability by maintaining the critical services, operations and funding mechanisms conducted throughout the company's operating subsidiaries. The Dodd-Frank Act provides certain statutory authorities to the FDIC to effect an

orderly resolution. Included among these are the power to establish a bridge financial company and to establish the terms and conditions governing its management and operations, including appointment of the board of directors. Additionally, the FDIC may transfer assets and liabilities to the bridge financial company without obtaining consents or approvals.

To implement the SPOE strategy the FDIC would be appointed receiver only of the top-tier U.S. holding company, and subsidiaries would remain open and continue operations. The FDIC would organize a bridge financial company, into which it would transfer assets from the receivership estate, primarily the covered financial company's investments in and loans to subsidiaries. Losses would be apportioned according to the order of statutory priority among the claims of the former equity holders and unsecured creditors, whose equity, subordinated debt and senior unsecured debt would remain in the receivership. Through a securities-for-claims exchange the claims of creditors in the receivership would be satisfied by issuance of securities representing debt and equity of the new holding company or holding companies (NewCo or NewCos). In this manner, debt in the failed company would be converted into equity that would serve to ensure that the new operations would be well-capitalized.

The newly formed bridge financial company would continue to provide the holding company functions of the covered financial company. The company's subsidiaries would remain open and operating, allowing them to continue critical operations for the financial system and avoid the disruption that would otherwise accompany their closings, thus minimizing disruptions to the financial system and the risk of spillover effects to counterparties. Because these subsidiaries would remain open and operating as going concerns, and any obligations supporting subsidiaries' contracts would be transferred to the bridge financial company, counterparties to most of the financial company's derivative contracts would have no legal right to terminate and net out their contracts. Such action would prevent a disorderly termination of these contracts and a resulting fire sale of assets.

Under the Dodd-Frank Act, officers and directors responsible for the failure cannot be retained and would be replaced. The FDIC would appoint a board of directors and would nominate a new chief executive officer and other key managers from the private sector to replace officers who have been removed. This new management team would run the bridge financial company under the FDIC's oversight during the first step of the process.

During the resolution process, measures would be taken to address the problems that led to the company's failure. These could include changes in the company's businesses, shrinking those businesses, breaking them into smaller entities, and/or liquidating certain subsidiaries or business lines or closing certain operations. The restructuring of the firm might result in one or more smaller companies that would be able to be resolved under bankruptcy without causing significant adverse effect to the U.S. economy.

The FDIC intends to maximize the use of private funding in a systemic resolution and expects the well-capitalized bridge financial company and its subsidiaries to obtain funding from customary sources of liquidity in the private markets. The FDIC, however, realizes that market conditions could be such that private sources of funding might not be immediately available. If private-sector funding cannot be immediately obtained, the Dodd-Frank Act provides for an Orderly Liquidation Fund (OLF) to serve as a back-up source of liquidity support that would only be available on a fully secured basis. If needed at all, the FDIC could facilitate private-sector funding to the bridge financial company and its subsidiaries by providing guarantees backed by its authority to obtain funding through the OLF. Alternatively, funding could be secured directly from the OLF by issuing obligations backed by the assets of the bridge financial company. These obligations would only be issued in limited amounts for a brief transitional period in the initial phase of the resolution process and would be repaid promptly once access to private funding resumed.

If any OLF obligations are issued to obtain funding, they would be repaid during the orderly liquidation process. Ultimately OLF borrowings are to be repaid either from recoveries on the assets of the failed firm or, in the unlikely event of a loss on the collateralized borrowings, from assessments against the eligible financial companies.[1] The law expressly prohibits taxpayer losses from the use of this Title II authority.

The Appointment of the FDIC as the Title II Receiver

If a SIFI encounters severe financial distress, bankruptcy is the first option. Under Title I the objective is to have the SIFI produce a credible plan that would demonstrate how resolution under the Bankruptcy Code would not pose a systemic risk to the U.S. economy. A Title II resolution would only occur if a resolution under the Bankruptcy Code could not be implemented without serious adverse effects on financial stability in the United States.

Before a SIFI can be resolved under Title II, two-thirds of the Federal Reserve Board and the Board of Directors of the FDIC must make recommendations to the Secretary of the Treasury (Secretary) that include a determination that the company is in default or in danger of default, what effect a default would have on U.S. financial stability, and what serious adverse effect proceeding under the Bankruptcy Code would have.[2] With the recommendations and plan submitted by the Federal Reserve and the FDIC, the Secretary in consultation with the President would determine, among other things, whether the SIFI was in default or danger of default and that the failure and its resolution under bankruptcy would have a serious adverse effect on U.S. financial stability. If all conditions are met, a twenty-four hour judicial review process is initiated, if applicable.[3] At the end of this period, absent adverse judicial action, the FDIC is appointed receiver, the bridge financial company would be chartered and a new board of directors and chief executive officer appointed.

Organization and Operation of the Bridge Financial Company

Upon its appointment as receiver of the top-tier U.S. holding company of the covered financial company, the FDIC would adopt articles of association and bylaws and issue a charter for the bridge financial company. From a pre-screened pool of eligible candidates, the FDIC would establish the initial board of directors, including appointment of a

[1] The Dodd-Frank Act defines ''eligible financial companies'' as any bank holding company with total consolidated assets of $50 billion or more and any nonbank financial company supervised by the Board of Governors of the Federal Reserve as a result of its designation by the Financial Stability Oversight Council.

[2] The SEC and the Federal Insurance Office are substituted for the FDIC if the company or its largest subsidiary is a broker/dealer or insurance company, respectively; the FDIC is also consulted in the determination process in these cases.

[3] Subsequent to a determination, the Secretary would notify the board of directors of the covered financial company. If the board of directors does not consent to the appointment of the FDIC as receiver, the Secretary shall petition the court for an order authorizing the Secretary to appoint the FDIC as receiver.

chairman of the board. At its initial meeting the board of directors would appoint a chief executive officer of the bridge financial company based upon the nomination of candidates that have been vetted and screened by the FDIC. Other experienced senior management, including a chief financial officer and chief risk officer, also would be promptly named.

In connection with the formation of the bridge financial company, the FDIC would require the company to enter into an initial operating agreement that would require certain actions, including, without limitation: (1) Review of risk management policies and practices of the covered financial company to determine the cause(s) of failure and to develop and implement a plan to mitigate risks identified in that review; (2) preparation and delivery to the FDIC of a business plan for the bridge financial company, including asset disposition strategies that would maximize recoveries and avoid fire sales of assets; (3) completion of a review of pre-failure management practices of all key businesses and operations; (4) preparation of a capital, liquidity and funding plan consistent with the terms of any mandatory repayment plan and the capital and liquidity requirements established by the appropriate federal banking agency or other primary financial regulatory agency; (5) retention of accounting and valuation consultants and professionals acceptable to the FDIC, and completion of audited financial statements and valuation work necessary to execute the securities-for-claims exchange; and (6) preparation of a plan for the restructuring of the bridge financial company, including divestiture of certain assets, businesses or subsidiaries that would lead to the emerging company or companies being resolvable under the Bankruptcy Code without the risk of serious adverse effects on financial stability in the United States. The initial operating agreement would establish time frames for the completion and implementation of the plans described above.

Day-to-day management of the company would continue to be supervised by the officers and directors of the bridge financial company. The FDIC expects that the bridge financial company would retain most of the employees in order to maintain the appropriate skills and expertise to operate the businesses and most employees of subsidiaries and affiliates would be unaffected. As required by the statute, the FDIC would identify and remove management of the covered financial company who were responsible for its failed condition. Additionally, the statute requires that compensation be recouped from any current or former senior executive or director substantially responsible for the failure of the company.

The FDIC would retain control over certain high-level key matters of the bridge financial company's governance, including approval rights for any issuance of stock; amendments or modifications of the articles or bylaws; capital transactions in excess of established thresholds; asset transfers or sales in excess of established thresholds; merger, consolidation or reorganization of the bridge financial company; any changes in directors of the bridge financial company (with the FDIC retaining the right to remove, at its discretion, any or all directors); any distribution of dividends; any equity-based compensation plans; the designation of the valuation experts; and the termination and replacement of the bridge financial company's independent accounting firm. Additional controls may be imposed by the FDIC as appropriate.

Funding the Bridge Financial Company

It is anticipated that funding the bridge financial company would initially be the top priority for its new management. In raising new funds the bridge would have some substantial advantages over its predecessor. The bridge financial company would have a strong balance sheet with assets significantly greater than liabilities since unsecured debt obligations would be left as claims in the receivership while all assets will be transferred. As a result, the FDIC expects the bridge financial company and its subsidiaries to be in a position to borrow from customary sources in the private markets in order to meet liquidity needs. Such funding would be preferred even if the associated fees and interest expenses would be greater than the costs associated with advances obtained through the OLF.

If the customary sources of funding are not immediately available, the FDIC might provide guarantees or temporary secured advances from the OLF to the bridge financial company soon after its formation. Once the customary sources of funding are reestablished and private market funding can be accessed, OLF monies would be repaid. The FDIC expects that OLF monies would only be used for a brief transitional period, in limited amounts with the specific objective of discontinuing their use as soon as possible.

All advances would be fully secured through the pledge of the assets of the bridge financial company and its subsidiaries. If the assets of the bridge financial company, its subsidiaries, and the receivership are insufficient to repay fully the OLF through the proceeds generated by a sale or refinancing of bridge financial company assets, the receiver would impose risk-based assessments on eligible financial companies to ensure that any obligations issued by the FDIC to the Secretary are repaid without loss to the taxpayer.

The Dodd-Frank Act capped the amount of OLF funds that can be used in a resolution by the maximum obligation limitation. Upon placement into a Title II resolution this amount would equal 10 percent of the total consolidated assets of the covered financial company based on the most recent financial statements available. If any OLF funds are used beyond the initial thirty (30) day period or in excess of the initial maximum obligation limit, the FDIC must prepare a repayment plan.[4] This mandatory repayment plan would provide a schedule for the repayment of all such obligations, with interest, at the rate set by the Secretary. Such rate would be at a premium over the average interest rates on an index of corporate obligations of comparable maturities. After a preliminary valuation of the assets and preparation of the mandatory repayment plan, the maximum obligation limit would change to 90 percent of the fair value of the total consolidated assets available for repayment.

Claims Determination and the Capitalization Process

The FDIC is required by the Dodd-Frank Act to conduct an administrative claims process to determine claims against the covered financial company left in receivership, including the amount and priority of allowed claims. Once a valuation of the bridge financial company's assets and the administrative claims process are completed, creditors' claims would be paid through a securities-for-claims exchange.

Claims Determination

The Dodd-Frank Act established a priority of claims that would apply to all claims left in the receivership.

[4] The FDIC would prepare a mandatory repayment plan after its appointment as receiver of the covered financial company, but in no event later than thirty (30) days after such date. The FDIC would work with the Secretary to finalize the plan and would submit a copy of the plan to Congress. The mandatory repayment plan would describe the anticipated amount of the obligations issued by the FDIC to the Secretary in order to borrow monies from the OLF subject to the maximum obligation limitation as well as the anticipated cost of any guarantees issued by the FDIC.

Following the statutory priority of claims, the administrative expenses of the receiver shall be paid first, any amounts owed to the United States next, then certain limited employee salary and benefit claims, other general or senior unsecured creditor claims, subordinated debt holder claims, wage and benefit claims of senior officers and directors, and finally, shareholder claims. Allowable claims against the receivership would be made pro rata to claimants in each class to the extent that assets in the receivership estate are available following payments to all prior senior classes of claims. Liabilities transferred to the bridge financial company as an on-going institution would be paid in the ordinary course of business.

Certain claims of the holding company would be transferred to the bridge financial company to facilitate its operation and to mitigate systemic risk. For instance, obligations of vendors providing essential services would be assumed by the bridge financial company in order to keep day-to-day operations running smoothly. Such an action would be analogous to the ''first-day'' orders in bankruptcy where the bankruptcy court approves payment of pre-petition amounts due to certain vendors whose goods or services are critical to the debtor's operations during the bankruptcy process. The transfer would also likely include secured claims of the holding company because the transfer of fully secured liabilities with the related collateral would not diminish the net value of the assets in the receivership and would avoid any systemic risk effects from the immediate liquidation of the collateral. The FDIC expects shareholders' equity, subordinated debt and a substantial portion of the unsecured liabilities of the holding company—with the exception of essential vendors' claims—to remain as claims against the receivership.

In general the FDIC is to treat creditors of the receivership within the same class and priority of claim in a similar manner. The Dodd-Frank Act, however, allows the FDIC a limited ability to treat similarly situated creditors differently. Any transfer of liabilities from the receivership to the bridge financial company that has a disparate impact upon similarly situated creditors would only be made if such a transfer would maximize the return to those creditors left in the receivership and if such action is necessary to initiate and continue operations essential to the bridge financial company.

Although the consent of creditors of the receivership is not required in connection with any disparate treatment, all creditors must receive at least the amount that they would have received if the FDIC had not been appointed as receiver and the company had been liquidated under Chapter 7 of the Bankruptcy Code or other applicable insolvency regime. Further, any transfer of liabilities that involves disparate treatment would require the determination by the Board of Directors of the FDIC that it is necessary and lawful, and the identity of creditors that have received additional payments and the amount of any additional payments made to them must be reported to Congress. The FDIC expects that disparate treatment of creditors would occur only in very limited circumstances and has, by regulation, expressly limited its discretion to treat similarly situated creditors differently.[5]

Similar to the bankruptcy process, for creditors left in the receivership, the FDIC must establish the claims bar date for the filing of claims; this date must not be earlier than ninety (90) days after the publication of the notice of appointment of the FDIC as receiver. With the exception of certain secured creditors whose process might be expedited, the receiver would have up to one hundred eighty (180) days to determine the status of a claim unless that determination period is extended by mutual agreement.[6] A claimant can seek a de novo judicial determination of its claim in the event of an adverse determination by the FDIC. Such an action must be brought within sixty (60) days of the notice of disallowance.[7] To the extent possible and consistent with the claims process mandated by the Dodd-Frank Act, the FDIC intends to adapt certain claims forms and practices applicable to a Chapter 11 proceeding under the Bankruptcy Code. For example, the proof of claim form would be derived from the standard proof of claim form used in a bankruptcy proceeding. The FDIC also expects to provide information regarding any covered financial company receivership on an FDIC Web site, and would also establish a call center to handle public inquiries.

Capitalization

In reorganization under the bankruptcy laws, creditors' claims are sometimes satisfied through the issuance of securities in the new company. Likewise, the SPOE strategy provides for the payment of creditors' claims in the receivership through the issuance of securities in a securities-for-claims exchange. This exchange involves the issuance and distribution of new debt, equity and, possibly, contingent securities—such as warrants or options—in NewCo (or NewCos) that will succeed the bridge financial company to the receiver. The receiver would then exchange the new debt and equity for the creditors' claims. This would provide value to creditors without resorting to a liquidation of assets. The warrants or options would protect creditors in lower priority classes, who have not received value, against the possibility of an undervaluation, thereby ensuring that the value of the failed company is distributed in accordance with the order of priority.

Prior to the exchange of securities for claims, the FDIC would approve the value of the bridge financial company. The valuation would be performed by independent experts, including investment bankers and accountants, selected by the board of directors of the bridge financial company. Selection of the bridge financial company's independent experts would require the approval of the FDIC, and the FDIC would engage its own experts to review the work of these firms and to provide a fairness opinion.

The valuation work would include, among other things, review and testing of models that had been used by the covered financial company before failure as well as establishing values for all assets and business lines. The valuation would provide a basis for establishing the capital and leverage ratios of the bridge financial company, as well as the amount of losses incurred by both the bridge financial company and the covered financial company in receivership. The valuation would also help to satisfy applicable SEC requirements for the registration or qualified exemption from registration of any securities issued in an exchange, in addition to other applicable reporting and disclosure obligations.

Due to the nature of the types of assets at the bridge financial company and the likelihood of market uncertainty regarding asset values, the valuation

[5] The FDIC has stated that it would not exercise its discretion to treat similarly situated creditors differently in a manner that would result in preferential treatment to holders of long-term senior debt (defined as unsecured debt with a term of longer than one year), subordinated debt, or equity holders. See 12 CFR 380.27.

[6] The FDIC would endeavor to determine the majority of claims (as measured by total dollar amount) within a shorter time frame.

[7] An expedited process is available to certain secured creditors in which the FDIC's determination must be made within ninety (90) days and any action for a judicial determination must be filed within thirty (30) days.

process necessarily would yield a range of values for the bridge financial company. The FDIC would work with its consultants and advisors to establish an appropriate valuation within that range. Contingent value rights, such as warrants or options allowing the purchase of equity in NewCo (or NewCos) or other instruments, might be issued to enable claimants in impaired classes to recover value in the event that the approved valuation point underestimates the market value of the company. Such contingent securities would have limited durations and an option price that would provide a fair recovery in the event that the actual value of the company is other than the approved value. When the claims of creditors have been satisfied through this exchange, and upon compliance with all regulatory requirements, including the ability to meet or exceed regulatory capital requirements, the charter of the bridge financial company would terminate and the company would be converted to one or more state-chartered financial companies.[8]

The bridge financial company would issue audited financial statements as promptly as possible. The audited financial statements of the bridge financial company would be prepared by a qualified independent public accounting firm in accordance with generally accepted accounting principles and applicable SEC requirements. The FDIC has consulted with the SEC regarding the accounting framework that should be applied in a Title II securities-for-claims exchange, and has determined that the ''fresh start model'' is the most appropriate accounting treatment to establish the new basis for financial reporting for the emerging company. The fresh start model requires the determination of a fair value measurement of the assets of the company, which represents the price at which each asset would be transferred between market participants at an established date. This is the accounting framework generally applied to companies emerging from bankruptcy under Chapter 11 of the Bankruptcy Code to determine their reorganization value and establish a new basis for financial reporting. The valuation and auditing processes would establish the value of financial instruments, including subordinated or convertible debt and common equity in NewCo (or NewCos) issued to creditors in satisfaction of their claims.

Figure 1 demonstrates the claims and capitalization process. In this hypothetical example, ABC Universal Holdings Inc. is placed into a Title II receivership following a loss on assets and subsequent liquidity run. Upon transfer of ABC's remaining assets and certain liabilities into a bridge financial company a valuation is performed and the estimated losses in ABC are calculated to be $140 billion–$155 billion. The company's assets are then written down and losses apportioned to the claims of the shareholders and debt holders of ABC Universal Holdings Inc., which have been left in the receivership, according to the order of priority. In this example, shareholders and subordinated debt holders lose their entire respective claims of $128 billion and $15 billion. Additionally, unsecured debt holders lose $12 billion of their $120 billion in claims against the receivership.

In order to exit the bridge financial company, NewCo must meet or exceed all regulatory capital requirements. To do this, the unsecured creditors are given $100 billion in equity, $3 billion in subordinated debt, and $5 billion in senior unsecured debt of NewCo. Additionally, call options, warrants, or other contingent claims are issued to compensate the unsecured debt holders for their remaining claims ($12 billion). The former subordinated debt holders and equity holders of ABC Universal Holdings Inc. are also issued call options, warrants or other contingent value rights for their claims, which would not have any value until the unsecured claimants had been paid in full.

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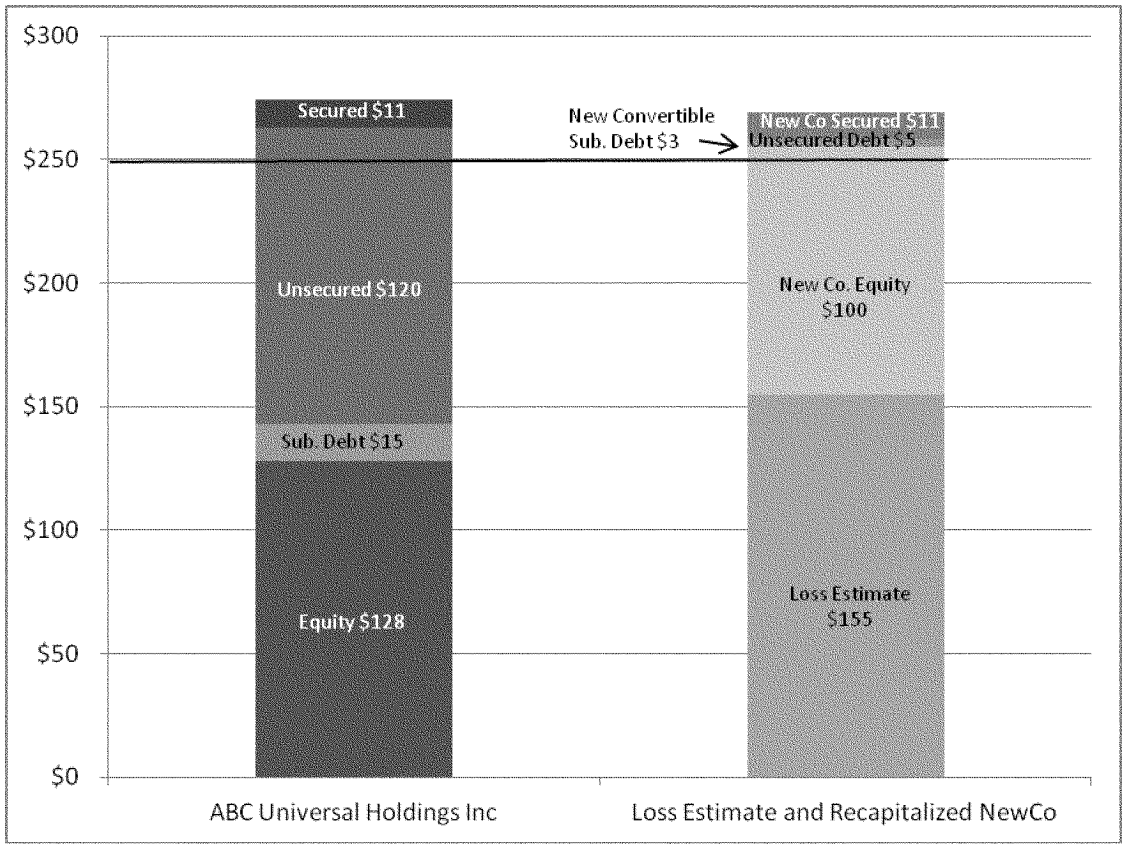
[8] The FDIC retains the discretion in appropriate circumstances to make cash payments to creditors with de minimis claims or for whom payment in the form of securities would present an unreasonable hardship.

Figure 1

Claims Waterfall

($B)



Ownership of securities in NewCo (or NewCos) would be subject to any applicable concentration limits and other restrictions or requirements under U.S. banking and securities laws and other applicable restrictions, including for instance, cross-border change-of-control issues. In addition, the FDIC may determine to pay claims in cash or deposit securities into a trust for prompt liquidation for those portions of certain creditors' claims that would result in the creditors owning more than 4.9 percent of the issued and outstanding common voting securities of NewCo (or NewCos).

Restructuring and the Emergence of NewCo (or NewCos)

The FDIC's goal is to limit the time during which the failed covered financial company is under public control and expects the bridge financial company to be ready to execute its securities-for-claims exchange within six to nine months. Execution of this exchange would result in termination of the bridge financial company's charter and establishment of NewCo (or NewCos).

The termination of the bridge financial company would only occur once it is clear that a plan for restructuring, which can be enforced, has been approved by the FDIC, and that NewCo (or NewCos) would meet or exceed regulatory capital requirements. This would ensure that NewCo (or NewCos) would not pose systemic risk to the financial system and would lead to NewCo (or NewCos) being resolvable under the Bankruptcy Code. This might be accomplished either through reorganizing, restructuring or divesting subsidiaries of the company.

This process would result in the operations and legal entity structure of the company being more closely aligned and the company might become smaller and less complex. In addition, the restructuring might result in the company being divided into several companies or parts of entities being sold to third parties. This process would be facilitated to the extent the former company's Title I process was effective in mitigating obstacles and addressing impediments to resolvability under the Bankruptcy Code.

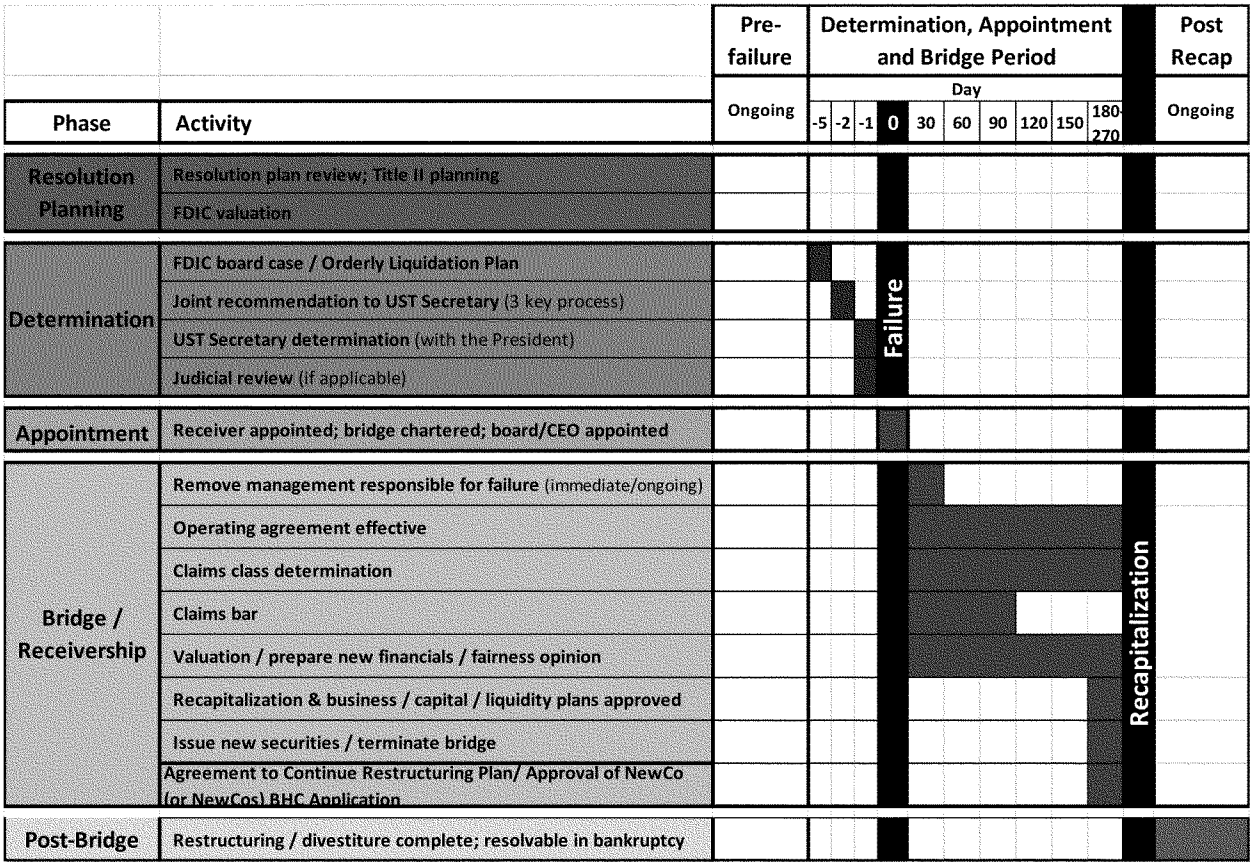
Before terminating the bridge financial company and turning its operations over to the private sector, the FDIC would require the board of directors and management of the bridge financial company—as part of the initial operating agreement—to formulate a plan and a timeframe for restructuring that would make the company resolvable under the Bankruptcy Code. The board of directors and management of the company must stipulate that all of its successors would complete all requirements providing for divestiture, restructuring and reorganization of the company. The bridge financial company would also be required to prepare a new living will that meets all requirements, and that might include detailed project plans, with specified timeframes, to make NewCo (or NewCos) resolvable in

bankruptcy.[9] Finally, the board(s) of directors and management(s) of NewCo (or NewCos) would be expected to enter into an agreement (or agreements) with the company's (or companies') primary financial regulatory agency to continue the plan for restructuring developed as part of the initial operating agreement as a condition for approval of its (their) holding company application(s).

Figure 2 demonstrates the FDIC's anticipated time line for the resolution of a SIFI under Title II authorities. As the figure shows, pre-failure resolution planning will be critical, including the information obtained as a result of the review of the Title I plans. The window between imminent failure and placement into a Title II receivership would be very short and the FDIC anticipates having the bridge financial company ready to be terminated 180–270 days following its chartering, subject to the conditions described above.

Figure 2

Timeline of a Title II Resolution



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Reporting

The FDIC recognizes the importance of providing transparent reporting to the public, financial markets, Congress, and the international community. The FDIC intends to execute its resolution strategy in a manner consistent with these objectives.

The FDIC would provide the best available information regarding the financial condition of the bridge financial company to creditors of the covered financial company. The bridge financial company would comply with all disclosure and reporting requirements under applicable securities laws, provided that if all standards cannot be met because audited financial statements are not available with respect to the bridge financial company, the FDIC would work with the SEC to set appropriate disclosure standards. The receiver of the covered financial company would also make appropriate disclosures. The FDIC and bridge financial company would provide reports and disclosures containing meaningful and useful information to stakeholders in compliance with applicable standards.

The FDIC anticipates that the bridge financial company would retain the covered financial company's existing financial reporting systems, policies and procedures, unless the FDIC or other regulators of the covered financial company have identified material weaknesses in such systems, policies or procedures. The bridge financial company and its operating companies would be required to satisfy applicable regulatory reporting requirements, including the preparation of

[9] While NewCo (or NewCos) would no longer be systemic, it is still likely to fall under the requirement to file a Title I plan due to having assets greater than $50 billion.

consolidated reports of condition and income (call reports). The new board of directors would retain direct oversight over the financial reporting functions of the bridge financial company and would be responsible for engaging an independent accounting firm and overseeing the completion of audited consolidated financial statements of the bridge financial company as promptly as possible.

The FDIC would fully comply with the Dodd-Frank Act requirement that the FDIC, not later than sixty (60) days after its appointment as receiver for a covered financial company, file a report with the Senate and House banking committees. The FDIC's report must provide information on the financial condition of the covered financial company; describe the FDIC's plan for resolving the covered financial company and its actions taken to date; give reasons for using proceeds from the OLF for the receivership; project the costs of the orderly liquidation of the covered financial company; explain which claimants in the receivership have been treated differently from other similarly situated claimants and the amount of any additional payments; and explain any waivers of conflict of interest rules with regard to the FDIC's hiring of private sector persons who are providing services to the receivership of the covered financial company.

The FDIC anticipates making a public version of its Congressional report available on its Web site and providing necessary updates on at least a quarterly basis. In addition, if requested by Congress, the FDIC and the primary financial regulatory agency of the covered financial company will testify before Congress no later than thirty (30) days after the FDIC files its first report. The FDIC also anticipates that the bridge financial company or NewCo (or NewCos) would provide additional information to the public in connection with any issuance of securities, as previously discussed.

Request for Comment

To implement its authority under Title II, the FDIC is developing the SPOE strategy. In developing and refining this strategy to this point, the FDIC has engaged with numerous stakeholders and other interested parties to describe its plans for the use of the SPOE strategy and to seek reaction. During the course of this process, a number of issues have been identified that speak to the question of how a Title II resolution strategy can be most effective in achieving the dual objectives of promoting market discipline and maintaining financial stability. The FDIC seeks public comments on these and other issues.

Disparate Treatment

The issue of disparate treatment has been raised regarding the lack of a creditors' committee under a Title II resolution and the fact that creditor approval is not necessary for the FDIC to apply disparate treatment. The FDIC, however, has by regulation, expressly limited its discretion to treat similarly situated creditors differently and the application of such treatment would require the determination by the Board of Directors of the FDIC that it is necessary and lawful.[10] Further, under the Dodd-Frank Act, each creditor affected by such treatment must receive at least the amount that he/she would have received if the FDIC had not been appointed as receiver and the company had been liquidated under Chapter 7 of the Bankruptcy Code or other applicable insolvency regime. The identity of creditors that have received additional payments and the amount of any additional payments made to them must be reported to Congress.

The FDIC expects that disparate treatment of creditors would occur only in very limited circumstances. It is permissible under the statute only if such an action is necessary to continue operations essential to the receivership or the bridge financial company, or to maximize recoveries. For example, such treatment could be used to provide payment for amounts due to certain vendors whose goods or services are critical to the operations of the bridge financial company and in this sense would be analogous to the ''first-day'' orders in bankruptcy where the bankruptcy court approves payment of pre-petition amounts due to certain vendors whose goods or services are critical to the debtor's operations during the bankruptcy process. To the extent that operational contracts and other critical agreements are obligations of subsidiaries of the bridge financial company, they would not be affected by the appointment of the FDIC as receiver of the holding company under the SPOE strategy. The FDIC is interested in commenters' views on whether there should be further limits or other ways to assure creditors of our prospective use of disparate treatment.

[10] The FDIC has stated that it would not exercise its discretion to treat similarly situated creditors differently in a manner that would result in preferential treatment to holders of long-term senior debt (defined as unsecured debt with a term of longer than one year), subordinated debt, or equity holders.

Use of the OLF

Another issue is that the existence of the OLF and the FDIC's ability to access it in a resolution might be considered equivalent to a public ''bail-out'' of the company. There are a number of points to be made in this regard.

From the outset, the bridge financial company would be created by transferring sufficient assets from the receivership to ensure that it is well-capitalized. The well-capitalized bridge financial company should be able to fund its ordinary operations through customary private market sources. The FDIC's explicit objective is to ensure that the bridge financial company can secure private-sector funding as soon as possible after it is established and, if possible, avoid any use of the OLF.

It might be necessary, however, in the initial days following the creation of the bridge financial company for the FDIC to use the OLF to provide limited funding or to guarantee borrowings to the bridge financial company in order to ensure a smooth transition for its establishment. The FDIC expects that OLF guarantees or funding would be used only for a brief transitional period, in limited amounts with the specific objective of discontinuing its use as soon as possible.

OLF resources can only be used for liquidity purposes, and may not be used to provide capital support to the bridge company. OLF borrowings would be fully secured through the pledge of assets of the bridge financial company and its subsidiaries. The OLF is to be repaid ahead of other general creditors of the Title II receivership making it likely that it would be repaid out of the sale or refinancing of the receivership's assets. In the unlikely event that these sources are insufficient to repay the borrowings, the receiver has the authority to impose risk-based assessments on eligible financial companies—bank holding companies with $50 billion or more in total assets and nonbank financial companies designated by the Financial Stability Oversight Council—to repay the Treasury. Section 214(c) of the Dodd-Frank Act requires that taxpayers shall bear no losses from the exercise of any authority under Title II.

The FDIC is interested in commenters' views on the FDIC's efforts to address the liquidity needs of the bridge financial company.

Funding Advantage of SIFIs

SIFIs have a widely perceived funding advantage over their smaller competitors. This perception arises from a market expectation that a SIFI would

receive public support in the event of financial difficulties. This expectation causes unsecured creditors to view their investments at a SIFI as safer than at a smaller financial institution, which is not perceived as benefitting from an expectation of public support. One goal of the SPOE strategy is to undercut this advantage by allowing for the orderly liquidation of the top-tier U.S. holding company of a SIFI with losses imposed on that company's shareholders and unsecured creditors. Such action should result in removal of market expectations of public support.

The successful use of the SPOE strategy would allow the subsidiaries of the holding company to remain open and operating. As noted, losses would first be imposed on the holding company's shareholders and unsecured creditors, not on the unsecured creditors of subsidiaries. This is consistent with the longstanding source of strength doctrine which holds the parent company accountable for losses at operating subsidiaries.

This outcome raises issues about whether creditors, including uninsured depositors, of subsidiaries of SIFIs would be inappropriately protected from loss even though this protection comes from the resources of the parent company and not from public support. Creditors and shareholders must bear the losses of the financial company in accordance with statutory priorities, and if there are circumstances under which the losses cannot be fully absorbed by the holding company's shareholders and creditors, then the subsidiaries with the greatest losses would have to be placed into receivership, exposing those subsidiary's creditors, potentially including uninsured depositors, to loss. An operating subsidiary that is insolvent and cannot be recapitalized might be closed as a separate receivership. Creditors, including uninsured depositors, of operating subsidiaries therefore, should not expect with certainty that they would be protected from loss in the event of financial difficulties.

The FDIC is interested in commenters' views on the perceived funding advantage of SIFIs and the effect of this perception on non-SIFIs. Specifically, does the potential to use the OLF in a Title II resolution create a funding advantage for a SIFI and its operating companies? Would any potential funding advantage contribute to consolidation among the banking industry that otherwise would not occur? Additionally, are there other measures and methods that could be used to address any perceived funding advantage?

Capital and Debt Levels at the Holding Company

The SPOE strategy is intended to minimize market disruption by isolating the failure and associated losses in a SIFI to the top-tier holding company while maintaining operations at the subsidiary level. In this manner, the resolution would be confined to one legal entity, the holding company, and would not trigger the need for resolution or bankruptcy across the operating subsidiaries, multiple business lines, or various sovereign jurisdictions. For this resolution strategy to be successful, it is critical that the top-tier holding company maintain a sufficient amount of equity and unsecured debt that would be available to recapitalize (and insulate) the operating subsidiaries and allow termination of the bridge financial company and establishment of NewCo (or NewCos). In a resolution, the holding company's equity and debt would be used to absorb losses, recapitalize the operating subsidiaries, and allow establishment of NewCo (or NewCos).

The discussion of the appropriate amount of equity and unsecured debt at the holding company that would be needed to successfully implement a SPOE resolution has begun. Regulators are considering minimum unsecured debt requirements in conjunction with minimum capital requirements for SIFIs. In addition, consideration of the appropriate pre-positioning of the proceeds from the holding company's debt issuance is a critical issue for the successful implementation of the SPOE strategy.

The FDIC is interested in commenters' views on the amount of equity and unsecured debt that would be needed to effectuate a SPOE resolution and establish a NewCo (or NewCos). Additionally, the FDIC seeks comment on what types of debt and what maturity structure would be optimal to effectuate a SPOE resolution. The FDIC notes that there is a long-standing debate over the efficacy of using risk-based capital when determining appropriate and safe capital levels. The FDIC is interested in commenters' views whether the leverage ratio would provide a more meaningful measure of capital during a financial crisis where historical models have proven to be less accurate.

Treatment of Foreign Operations of the Bridge Financial Company

Differences in laws and practices across sovereign jurisdictions complicate the resolvability of a SIFI. These cross-border differences include settlement practices involving derivative instruments, credit swaps, and payment clearing-and-processing activities. In the critical moment of a financial crisis, foreign authorities might ring-fence a SIFI's operations in their jurisdictions to protect their interests, which could impair the effectiveness of the SPOE strategy. A key challenge for a successful resolution of a SIFI under the SPOE strategy, therefore, will be to avoid or minimize any potential negative effects of ring fencing of the SIFI's foreign operations by foreign supervisors in those jurisdictions.

SIFIs operate in foreign jurisdictions primarily through two forms of organization—subsidiaries or branches of the IDI. Foreign subsidiaries are independent entities, separately chartered or licensed in their respective countries, with their own capital base and funding sources. As long as foreign subsidiaries can demonstrate that they are well-capitalized and self-sustaining, the FDIC would expect them to remain open and operating and able to fund their operations from customary sources of credit through normal borrowing facilities. As to the issue of foreign branches, their operations are included in the U.S. IDI's balance sheet, and there would be no reason to expect the operations of the foreign branches to change since the parent IDI remains open and well-capitalized under the SPOE strategy. The FDIC is working with foreign regulators to ensure that a SIFI's operating subsidiaries and foreign branches of the IDI would remain open and operating while a resolution of the parent holding company proceeds.

A multiple point of entry (MPOE) resolution strategy has been suggested as an alternative to the SPOE resolution strategy. To minimize possible disruption to the company and the financial system as a whole, an MPOE resolution involving the cross-border operations of a SIFI would require having those operations housed within subsidiaries that would be sufficiently independent so as to allow for their individual resolution without resulting in knock-on effects. Independent subsidiaries could also arguably facilitate a SPOE strategy by having well-capitalized subsidiaries with strong liquidity that would continue operating while the parent holding company was placed in resolution.

A subsidiarization requirement could resolve some problems associated with the need for international coordination. However, it is not clear that such a requirement would resolve all of the issues associated with resolving a SIFI with foreign operations, such as those of interconnectedness or of needing the

cooperation of foreign authorities to maintain certain services or operations.

The FDIC would welcome comments on whether a subsidiarization requirement would facilitate the resolution of a SIFI under the MPOE or SPOE strategies, or under the Bankruptcy Code. The FDIC would also welcome comments that address the potential advantages and disadvantages for resolvability of a SIFI of a requirement that SIFIs conduct their foreign operations through subsidiaries and whether a subsidiarization requirement for foreign operations would reduce the likelihood of ring fencing and improve the resolvability of a SIFI. Additionally, would a subsidiarization requirement work to limit the spread of contagion across jurisdictions in a financial crisis, and what are the potential costs (financial and operational) of requiring subsidiarization?

The FDIC would also welcome comments on the impact a branch structure might have on a banking organization's ability to withstand adverse economic conditions that do not threaten the viability of the group, for example, by enabling the organization to transfer funds from healthy affiliates to others that suffer losses in a manner that is consistent with 23A and 23B of the Federal Reserve Act.[11] In addition, the FDIC requests comments on the extent to which a branch model might provide flexibility to manage liquidity and credit risks globally and whether funding costs for these institutions might be lower under the branch structure.

Cross-Border Cooperation

Cross-border cooperation and coordination with foreign regulatory authorities are a priority for the successful execution of the SPOE strategy. The FDIC continues to work with our foreign counterparts and has made significant progress in the last three years. The FDIC has had extensive engagement with authorities in the United Kingdom and has issued a joint paper with the Bank of England describing our common strategic approach to systemic resolution. Working relationships have also been developed with authorities in other countries, including Switzerland, Germany and Japan. The FDIC has established a joint working group on resolution and deposit insurance issues with the European Commission and continues to work with the Financial Stability Board and its Resolution Steering Group.

An important example of cross-border coordination on resolution issues is a joint letter the FDIC, the Bank of England, Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin) and the Swiss Financial Market Supervisory Authority (FINMA) sent to the International Swaps and Derivatives Association (ISDA) on November 5, 2013. The letter calls for standardizing ISDA documentation to provide for a short-term suspension of early termination rights and other remedies with respect to derivatives transactions following the commencement of insolvency or resolution proceedings or exercise of a resolution power with respect to a counterparty or its specified entity, guarantor, or credit support facility.

The FDIC welcomes comment on the most important additional steps that can be taken with foreign regulatory authorities to achieve a successful resolution using the SPOE strategy.

Additional Questions

In addition to the issues highlighted above, comments are solicited on the following:

Securities-for-Claims Exchange. This Notice describes how NewCo (or NewCos) would be capitalized by converting the debt of the top-tier holding company into NewCo (or NewCos) equity. Are there particular creditors or groups of creditors for whom the securities-for-claims exchange strategy would present a particular difficulty or be unreasonably burdensome?

Valuation. This Notice describes how the assets of the bridge financial company would be valued and how uncertainty regarding such valuation could be addressed. Would the issuance to creditors of contingent value securities, such as warrants, be an effective tool to accommodate inevitable uncertainties in valuation? What characteristics—such as, term or option pricing, among others—would be useful in structuring such securities, and what is an appropriate methodology to determine these characteristics?

Information. This Notice recognizes the importance of financial reporting to the resolution process. What information, reports or disclosures by the bridge financial company are most important to claimants, the public, or other stakeholders? What additional information or explanation about the administrative claims process would be useful in addition to the information already provided by regulation or this Notice?

Effectiveness of the SPOE Strategy. This Notice describes factors that would form the basis of the initial determination as to whether the SPOE strategy would be effective for a particular covered financial company. Are there additional factors that should be considered? Is there an alternative to the SPOE strategy that would, in general, provide better results considering the goals of mitigating systemic risk to the financial system and ensuring that taxpayers would not be called upon to bail out the company?

Dated at Washington, DC, this 10th day of December, 2013.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2013–30057 Filed 12–17–13; 8:45 am]

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[11] Sections 23A and 23B restrict the ability of an insured depository institution to fund an affiliate through direct investment, loans, or other covered transactions that might expose the insured depository institution to risk.

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011707–012.

Title: Gulf/South America Discussion Agreement.

Parties: BBC Chartering & Logistic GmbH & Co. KG; Industrial Maritime Carriers LLC; Seaboard Marine, Ltd.

Filing Party: Wade S. Hooker, Esq.; 211 Central Park W; New York, NY 10024.

Synopsis: The amendment clarifies that BBC Chartering Carriers GmbH & Co. KG (BBC Carriers) and BBC Chartering & Logistic GmbH & Co. KG (BBC Logistic), both common carrier members of BBC Chartering Group, are to be treated as a single party to the agreement.

Agreement No.: 012067–010.

Title: U. S. Supplemental Agreement to HLC Agreement.

Parties: BBC Chartering & Logistics GmbH & Co. KG; Beluga Chartering GmbH; Chipolbrok; Clipper Project Ltd.; Hyndai Merchant Marine Co., Ltd.; Industrial Maritime Carriers, L.L.C.;

Nordana Line A/S; and Rickmers-Linie GmbH & Cie. KG.

Filing Party: Wade S. Hooker, Esq.; 211 Central Park W; New York, NY 10024.

Synopsis: The amendment clarifies that BBC Chartering Carriers GmbH & Co. KG (BBC Carriers) and BBC Chartering & Logistic GmbH & Co. KG (BBC Logistic), both common carrier members of BBC Chartering Group, are to be treated as a single party to the agreement.

Agreement No.: 012237.

Title: Liberty Global Logistics LLC/ Hapag-Lloyd USA, LLC Cooperative Working Agreement.

Parties: Liberty Global Logistics LLC and Hapag-Lloyd USA, LLC.

Filing Parties: Marc J. Fink, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The agreement authorizes the parties to charter space to and from one another in the trade between ports on the U.S. East and Gulf Coasts on the one hand, and ports in Europe, ports on the Baltic, Arabian and Red Seas, ports on the Persian Gulf, and ports in the Middle East, India, and Pakistan, on the other hand.

By Order of the Federal Maritime Commission.

Dated: December 13, 2013.

Karen V. Gregory,

Secretary.

[FR Doc. 2013–30099 Filed 12–17–13; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Notice of Request for Additional Information

The Commission gives notice that it has formally requested that the parties to the below listed agreement provide additional information pursuant to 46 U.S.C. § 40304(d). This action prevents the agreement from becoming effective as originally scheduled. Interested parties may file comments within fifteen (15) days after publication of this notice in the **Federal Register**.

Agreement No.: 011284–072.

Title: Ocean Carrier Equipment Management Association Agreement.

Parties: Alianca Navegacao e Logistica Ltda.; APL Co. Pte. Ltd.; American President Lines, Ltd.; A.P. Moller-Maersk A/S; CMA CGM, S.A.; Atlantic Container Line; China Shipping Container Lines Co., Ltd; China Shipping Container Lines (Hong Kong) Co., Ltd.; Companhia Libra de Navegacao; Compania Libra de Navegacion Uruguay S.A.; Compania Sud Americana de Vapores, S.A.; COSCO Container Lines Company Limited; Evergreen Line Joint Service Agreement; Hamburg-Süd; Hapag-Lloyd AG; Hapag-Lloyd USA LLC; Hanjin Shipping Co., Ltd.; Hyundai Merchant Marine Co. Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mediterranean Shipping Company, S.A.; Mitsui O.S.K. Lines Ltd.; Nippon Yusen Kaisha Line; Norasia Container Lines Limited; Orient Overseas Container Line Limited; Yang Ming Marine Transport Corp.; and Zim Integrated Shipping Services, Ltd.

By Order of the Federal Maritime Commission.

Dated: December 13, 2013.

Karen V. Gregory,

Secretary.

[FR Doc. 2013–30100 Filed 12–17–13; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0161; Docket No. 2013–0077; Sequence No. 12]

Federal Acquisition Regulation; Submission for OMB Review; Reporting Purchases From Sources Outside the United States

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension, with changes, to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning reporting purchases from sources outside the United States. A notice was published in the **Federal Register** at 78 FR 56230, on September 12, 2013. No comments were received.

DATES: Submit comments on or before January 17, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0161, Reporting Purchases from Sources Outside the United States, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''9000–0161; Reporting of Purchases from Outside the United States''. Select the link ''Submit a Comment'' that corresponds with ''9000–0161; Reporting of Purchases from Outside the United States''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and 9000–0161; Reporting of Purchases from Outside the United States'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., 2nd floor, Washington, DC 20405–0001. ATTN: Hada Flowers/IC 9000–0161.

Instructions: Please submit comments only and cite IC 9000–0161, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Cecelia L. Davis, Program Analyst, at 202–219–0202. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

The information on place of manufacture was formerly used by each Federal agency to prepare a report to Congress required by 41 U.S.C. 8302(b)(1) for Fiscal Year 2009 through 2011 on acquisitions of articles, materials, or supplies that are manufactured outside the United States. However, the data is still necessary for analysis of the application of the Buy American statue and the trade agreements and for other reports to Congress. Additionally, contracting officers require this data as the basis for entry into the Federal Procurement Data System for further data on the rationale for purchasing foreign manufactured items.

B. Annual Reporting Burden

Respondents	170,822
Responses per respondent per year	× 10
Total annual responses (rounded)	1,708,220
Hours per response	0.01
Total response burden hours	17,082

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F

Street NW., 2nd floor, Washington, DC 20405–0001, telephone 202–501–4755. Please cite OMB Control Number 9000–0161, Reporting Purchases from Sources Outside the United States, in all correspondence.

Dated: December 12, 2013.

Karlos Morgan, Sr.,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-Wide Policy.

[FR Doc. 2013–30070 Filed 12–17–13; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[Notice—FTR 2013–05; Docket 2013–0002; Sequence 40]

Privately Owned Vehicle Mileage Reimbursement Rates

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of FTR Bulletin 14–03, Calendar Year (CY) 2014 Privately Owned Vehicle Mileage Reimbursement Rates.

SUMMARY: The General Services Administration's annual privately owned vehicle (POV) mileage reimbursement rate reviews have resulted in new CY 2014 rates for the use of privately owned automobiles (POA), POAs when Government owned automobiles (GOA) are authorized, privately owned motorcycles, and privately owned airplanes for official purposes. FTR Bulletin 14–03 establishes the new CY 2014 mileage reimbursement rates ($0.56 for POAs, $0.235 for POAs when a GOA is authorized, $0.53 for privately owned motorcycles, and $1.31 for privately owned airplanes) pursuant to the process discussed below. This notice of subject bulletin is the only notification of revisions to the POV rates to agencies other than the changes posted on the GSA Web site. GSA determines these rates by reviewing the annual standard automobile study contracted for by the Internal Revenue Service, as well as conducting independent automobile, motorcycle, and aircraft studies that evaluate various factors, such as the cost of fuel, the depreciation of the original vehicles costs, maintenance and insurance, and or by applying consumer price index data.

DATES: *Effective date:* This notice is effective December 18, 2013 and applies to travel performed on or after January 1, 2014 through December 31, 2014.

FOR FURTHER INFORMATION CONTACT: For clarification of content, please contact Mr. Cy Greenidge, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202 219–2349, or by email at *travelpolicy@gsa.gov.* Please cite Notice of FTR Bulletin 14–03.

SUPPLEMENTARY INFORMATION:

Change in Standard Procedure

GSA posts the POV mileage reimbursement rates, formerly published in 41 CFR Chapter 301, solely on the internet at *www.gsa.gov/ftr.* This process, implemented in FTR Amendment 2010–07 (75 FR 72965, Nov. 29, 2010), ensures more timely updates in mileage reimbursement rates by GSA for Federal employees on official travel. Notices published periodically in the **Federal Register**, such as this one, and the changes posted on the GSA Web site, now constitute the only notification of revisions to privately owned vehicle reimbursement rates for Federal agencies.

Dated: December 12, 2013.

Carolyn Austin-Diggs,

Acting Deputy Associate Administrator, Office of Asset and Transportation Management, Office of Government-Wide Policy.

[FR Doc. 2013–30069 Filed 12–17–13; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Biodefense Science Board

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services (HHS) is hereby giving notice that the National Biodefense Science Board (NBSB) will be holding a public meeting via teleconference. The meeting is open to the public.

DATES: The NBSB will hold a public meeting on January 10, 2014, tentatively scheduled from 2:00 p.m. to 3:00 p.m. ET. The agenda is subject to change as priorities dictate.

ADDRESSES: Individuals who wish to participate should send an email to *NBSB@HHS.GOV* with ''NBSB Registration'' in the subject line. The meeting will occur by teleconference. To attend via teleconference and for further instructions, please visit the NBSB Web site at *WWW.PHE.GOV/NBSB.*

FOR FURTHER INFORMATION CONTACT: The National Biodefense Science Board mailbox: *NBSB@HHS.GOV.*

SUPPLEMENTARY INFORMATION: Pursuant to section 319M of the Public Health Service Act (*42 U.S.C. 247d–7f*) and section 222 of the Public Health Service Act (*42 U.S.C. 217a*), HHS established the NBSB. The NBSB provides expert advice and guidance to the Secretary on scientific, technical, and other matters of special interest to HHS regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate. The NBSB may also provide advice and guidance to the Secretary and/or the Assistant Secretary for Preparedness and Response (ASPR) on other matters related to public health emergency preparedness and response.

Background: This public meeting via teleconference will be dedicated to the NBSB's deliberation and vote on the findings from the NBSB's Public Health Emergency Medical Countermeasures Enterprise (PHEMCE) Strategic Preparedness Goals Working Group. Subsequent agenda topics will be added as priorities dictate. Any additional agenda topics will be available on the NBSB's January 10, 2014, meeting Web page, available at *WWW.PHE.GOV/NBSB.*

Availability of Materials: The meeting agenda and materials will be posted prior to the meeting on the January 10 meeting Web page at *WWW.PHE.GOV/NBSB.*

Procedures for Providing Public Input: Members of the public are invited to attend by teleconference via a toll-free call-in phone number which is available on the NBSB Web site at *WWW.PHE.GOV/NBSB.* All members of the public are encouraged to provide written comment to the NBSB. All written comments must be received prior to January 10, 2014, and should be sent by email to *NBSB@HHS.GOV* with ''NBSB Public Comment'' as the subject line. Public comments received by close of business one week prior to each teleconference will be distributed to the NBSB in advance.

Dated: December 6, 2013.

Nicole Lurie,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2013–30106 Filed 12–17–13; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health IT Policy Committee Advisory Meeting; Notice of Meeting

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice of meeting.

This notice announces forthcoming meetings of a public advisory committee of the Office of the National Coordinator for Health Information Technology (ONC). These meeting will be open to the public.

Name of Committee: HIT Policy Committee.

General Function of the Committee: to provide recommendations to the National Coordinator on a policy framework for the development and adoption of a nationwide health information technology infrastructure that permits the electronic exchange and use of health information as is consistent with the Federal Health IT Strategic Plan and that includes recommendations on the areas in which standards, implementation specifications, and certification criteria are needed.

2014 Meeting Dates and Times:

- January 14, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- February 4, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- March 11, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- April 8, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- May 6, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- June 10, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- July 8, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- August 6, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- September 3, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- October 7, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- November 4, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- December 2, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time

For meeting locations, web conference information, and the most up-to-date information, please visit the calendar on the ONC Web site, *http://www.healthit.gov/FACAS/calendar*.

Contact Person: Michelle Consolazio, Office of the National Coordinator, HHS, 355 E Street SW., Washington, DC 20024, 781–710–0786, Fax: 202–690–6079, email: *michelle.consolazio@hhs.gov*. Please email Michelle Consolazio for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice.

Agenda: The committee will hear reports from its workgroups, including the Meaningful Use Workgroup, and updates from ONC and other Federal agencies. ONC intends to make background material available to the public no later than 24 hours prior to the meeting start time. If ONC is unable to post the background material on its Web site prior to the meeting, it will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on ONC's Web site after the meeting, at *http://www.healthit.gov/FACAS/health-it-policy-committee*.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Written submissions may be made to the contact person prior to the meeting date. Oral comments from the public will be scheduled prior to the lunch break and at the conclusion of each meeting. Time allotted for each presentation will be limited to three minutes. If the number of speakers requesting to comment is greater than can be reasonably accommodated during the scheduled open public session, ONC will take written comments after the meeting.

Persons attending ONC's advisory committee meetings are advised that the agency is not responsible for providing wireless access or access to electrical outlets.

ONC welcomes the attendance of the public at its advisory committee meetings. Seating is limited at the location, and ONC will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Michelle Consolazio at least seven (7) days in advance of the meeting.

ONC is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://healthit.hhs.gov* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App. 2).

Dated: December 6, 2013.

Michelle Consolazio,

FACA Program Director, Office of Policy and Planning, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2013–30104 Filed 12–17–13; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Information Technology Standards Committee Advisory Meeting: Notice of Meeting

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice of meeting.

This notice announces forthcoming meetings of a public advisory committee of the Office of the National Coordinator for Health Information Technology (ONC). These meeting will be open to the public.

Name of Committee: Health IT Standards Committee.

General Function of the Committee: to provide recommendations to the National Coordinator on standards, implementation specifications, and certification criteria for the electronic exchange and use of health information for purposes of adoption, consistent with the implementation of the Federal Health IT Strategic Plan, and in accordance with policies developed by the HIT Policy Committee.

2014 Meeting Dates and Times:

- January 14, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- February 18, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- March 26, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- April 24, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- May 21, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- June 18, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- July 16, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- August 20, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- September 17, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- October 15, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- November 18, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time
- December 10, 2014, from 9:30 a.m. to 3:00 p.m./Eastern Time

For meeting locations, web conference information, and the most up-to-date information, please visit the calendar on the ONC Web site, *http://www.healthit.gov/FACAS/calendar.*

Contact Person: Michelle Consolazio, Office of the National Coordinator, HHS, 355 E Street SW., Washington, DC 20024, 781–710–0786, Fax: 202–690–6079, email: *michelle.consolazio@hhs.gov.* Please email Michelle Consolazio for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice.

Agenda: The committee will hear reports from its workgroups and updates from ONC and other Federal agencies. ONC intends to make background material available to the public no later than 24 hours prior to the meeting start time. If ONC is unable to post the background material on its Web site prior to the meeting, it will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on ONC's Web site after the meeting, at *http://www.healthit.gov/FACAS/health-it-standards-committee.*

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Written submissions may be made to the contact person prior to the meeting date. Oral comments from the public will be scheduled prior to the lunch break and at the conclusion of each meeting. Time allotted for each presentation will be limited to three minutes. If the number of speakers requesting to comment is greater than can be reasonably accommodated during the scheduled open public session, ONC will take written comments after the meeting.

Persons attending ONC's advisory committee meetings are advised that the agency is not responsible for providing wireless access or access to electrical outlets.

ONC welcomes the attendance of the public at its advisory committee meetings. Seating is limited at the location, and ONC will make every effort to accommodate persons with physical disabilities or special needs. If special accommodations are required, please contact Michelle Consolazio at least seven (7) days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App. 2).

Dated: December 6, 2013.

Michelle Consolazio,

FACA Program Director, Office of Policy and Planning, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2013–30102 Filed 12–17–13; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1204]

Draft Risk Profile on Pathogens and Filth in Spices: Availability; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; Extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or we) is extending the comment period for the notice entitled ''Draft Risk Profile on Pathogens and Filth in Spices: Availability'' that appeared in the **Federal Register** of November 4, 2013 (78 FR 66010). In the notice, FDA requested comments that can help improve the data and information used; the analytical analyses employed; and the clarity and transparency of the draft risk profile. We are taking this action in response to a request for an extension to allow interested persons additional time to submit comments, scientific data, and information.

DATES: We are extending the comment period for the draft risk profile. Submit either electronic or written comments by March 3, 2014.

ADDRESSES: Submit electronic comments and scientific data and information to *http://www.regulations.gov.* Submit written comments and scientific data and information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Jane Van Doren, Center for Food Safety and Applied Nutrition (HFS–06), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–2927.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of November 4, 2013 (78 FR 66010), we published a notice entitled ''Draft Risk Profile on Pathogens and Filth in Spices: Availability.'' The notice provided a 60-day comment period for comments that can help improve (1) the data and information used; (2) the analytical analyses employed; and (3) the clarity and transparency of the draft risk profile.

We have received one request for an extension of the comment period for the notice. The request conveyed concern that the current 60-day comment period is not adequate to develop a response to the notice.

We have considered the request and are extending the comment period for the notice for 60 days, until March 3, 2014. We believe that a 60-day extension allows adequate time for interested persons to submit comments, scientific data, and information without significantly delaying the risk profile.

II. Request for Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: December 11, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–30055 Filed 12–17–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0308]

Centers for Medicare and Medicaid Services

[CMS–3180–N3]

Pilot Program for Parallel Review of Medical Products; Extension of the Duration of the Program

AGENCIES: Food and Drug Administration, Centers for Medicare and Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) and the Centers for Medicare and Medicaid Services (CMS) (the Agencies) are announcing the extension of the ''Pilot Program for Parallel Review of Medical Products.''

The Agencies have decided to continue the program as currently designed for an additional period of 2 years from the date of publication of this notice.

DATES: This notice is effective December 18, 2013.

FOR FURTHER INFORMATION CONTACT: John Burke, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5460, Silver Spring, MD 20993–0002, 301–796–5738, *John.Burke@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 11, 2011 (76 FR 62808), the Agencies announced the procedures and guiding principles for the Parallel Review Pilot Program and solicited nominations for the pilot. To date, there has been significant interest in the pilot and the Agencies are currently working through the parallel review process with the approved pilot program participants. We believe that interest in the pilot has also facilitated mutually informative discussions between additional sponsors and the Agencies.

In the October 11, 2011 (76 FR 62808), Parallel Review Pilot Program notice, the Agencies stated their intent to accept requests for a 2-year period, followed by an announcement in the **Federal Register** as to the future of the pilot. The Agencies have decided to continue the program as currently designed for an additional 2 years from the date of publication of this notice.

Once a representative group of participants have completed the pilot process the Agencies will formally evaluate the program for best practices and will announce any future revisions and/or enhancements in a future **Federal Register** notice.

Dated: December 5, 2013.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Dated: December 6, 2013.

Margaret A. Hamburg,

Commissioner of Food and Drugs.

[FR Doc. 2013–29822 Filed 12–17–13; 8:45 am]

BILLING CODE 4120–01–M; 4160–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

The National Children's Study, Vanguard (Pilot) Study; Submission for OMB Review; 30-Day Comment Request

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 23, 2013, page 52548 and allowed 60-days for public comment. Two public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The Eunice Kennedy Shriver, National Institute of Child Health and Human Development (NICHD), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Sarah L. Glavin, Deputy Director, Office of Science Policy, Analysis and Communication, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 31 Center Drive, Room 2A18, Bethesda, Maryland 20892, or call a non-toll free number (301) 496–7898 or Email your request, including your address to *glavins@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: The National Children's Study, Vanguard (Pilot) Study, 0925–0593, Expiration 8/31/2014—Revision, Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of this request is to continue data collection activities for the NCS Vanguard Study and receive a renewal of the Vanguard Study clearance. The NCS also proposes the initiation of a new enrollment cohort, the addition of new Study visits, revisions to existing Study visits, and the initiation of methodological substudies. The NCS Vanguard Study is a prospective, longitudinal pilot study of child health and development that will inform the design of the Main Study of the National Children's Study.

Background: The National Children's Study is a prospective, national longitudinal study of the interaction between environment, genetics on child health, and development. The Study defines ''environment'' broadly, taking a number of natural and man-made environmental, biological, genetic, and psychosocial factors into account. Findings from the Study will be made available as the research progresses, making potential benefits known to the public as soon as possible. The National Children's Study (NCS) has several components, including a pilot or Vanguard Study, and a Main Study to collect exposure and outcome data.

The NCS Vanguard Study continues to follow the children and families enrolled in the Vanguard Study, conducting Study visits in participants' homes and over the telephone. Data Collection visits may include the administration of questionnaires, neurodevelopmental assessments, physical measures, and the collection of biospecimens and environmental measures. The Vanguard Study has yielded valuable data and field experience related to participant recruitment, the conduct of Study assessments, and operational requirements associated with NCS infrastructure and field efforts. The purpose of the proposed data collection is to obtain further operational and performance data on processes and administration Study visit measures.

Research Questions: The primary research goal is to systematically pilot additional study visit measures and collections for scientific robustness, burden to participants and study infrastructure, and cost for use in the Vanguard (Pilot) Study and to inform the Main Study. A secondary goal is to increase enrollment in the Vanguard Study through the identification of subsequent pregnancies among enrolled women.

Methods: The NCS Vanguard Study data collection schedule currently

includes pre-pregnancy, pregnancy, and birth periods, as well as post-natal collection points at defined intervals between 3 and 30 months. This request extends the collection of data about the children in the Vanguard cohort through 60 months of age, with home visits scheduled for children 36, 48, and 60 months of age. Two intervening remote (phone or internet) survey data collections are proposed as well. We propose to add or modify the selected measures below to address analytic goals of assessing feasibility, acceptability, and cost of specific study visit measures.

Enrollment of Sibling Birth Cohort: We will enroll approximately 1,000 sibling births identified among currently enrolled women. Following new pregnancies will allow us to pilot the collection of biospecimens, environmental samples, and standardized neurodevelopmental assessments on sufficient numbers of participants to understand what activities are feasible in specific settings, participants' willingness to complete requested measures, and whether measures are useful and scalable. Participants will be administered the same protocol as approved for the NCS Vanguard Study by the Office of Information and Regulatory Affairs within the Office of Management and Budget, including the collection of environmental samples, biospecimens and physical measurements during pre-pregnancy and pre- and post-natal visits. Those who report that they are trying to conceive will be initially administered the protocols approved for preconception data collection. Others who self-report a pregnancy at a later time will receive pregnancy visit instrumentation and collections.

Supplemental Information Collections

Core Questionnaire: We propose a revised core questionnaire containing key variables and designed to collect core data at every study visit contact from the time that the enrolled child is 6 months of age to the time the child is 5 years of age.

Age-Specific Modular Questionnaires: At each Study visit, participants will be administered brief questionnaire modules that include measures relevant to the specific age of the enrolled child.

Biospecimen Collections: Microbiome swabs will be collected from the biological mother at birth from the vagina, mouth, and rectum and at 6, 24, and 48- month visits from the nasal cavity, mouth, and rectum. Microbiome swabs will also be collected from NCS children from the nasal cavity, mouth, and rectum at 6, 24, and 48-month visits. Shed deciduous teeth will be collected from NCS children beginning at age five. Instructions on retrieval and shipment and to postage-paid shipping materials will be provided to participants.

Environmental Sample Collection: Noise measurements will be taken at the homes of randomly-selected enrolled participants. With their consent, their homes will be equipped with a noise meter and measured for noise levels at various time intervals, and data collectors will ask questions about the source and frequency of noise they encounter at home.

Physical Measures: BIA, or bioelectrical impedance analysis, is a non-invasive method for estimation of body composition including Body Mass Index. BIA will be measured on a small subsample of approximately 200 NCS children. For comparison, conventional skinfold measurements using previously approved and implemented protocols will be collected. Physical activity in children will be measured with accelerometers at three data collection points with a subsample of approximately 600 NCS enrolled children. Participants will be asked to wear the Actigraph GT3X-plus physical activity monitor on their wrist for a 7-day period. Pulmonary function will be measured at age five through spirometry, a simple, non-invasive method.

NIH Toolbox Measures: The NIH Toolbox (*www.nihtoolbox.org*) is a series of short assessments designed to measure emotional, cognitive, sensory, and motor function in children as young as age three.

Assessing Participant Experience: NCS participants will be asked to complete self-administered questionnaires designed to assess feelings towards the NCS and motivation to be engaged in research. Through the use of these instruments, the NCS aims to maintain positive relationships with participants and allow them to provide useful feedback about the Study, its procedures and perceived value to them, their families, and communities.

Retrospective Pregnancy Questionnaire: Women who joined the NCS after the birth of the enrolled child will be asked to complete a Retrospective Pregnancy Questionnaire designed to collect prenatal medical information.

OMB approval is requested for 3 years. The additional annualized cost to respondents over the 3 year data collection period is estimated at an annualized cost of $633,541 (based on $10 per hour). The total estimated annualized burden hours are 63,354 hours (see Table 1).

TABLE 1—ESTIMATED ANNUALIZED BURDEN HOURS FOR VANGUARD (PILOT) STUDY RESPONDENTS, STUDY VISITS THROUGH 60 MONTHS OF AGE OF THE CHILD

Data collection activity	Type of respondent	Estimated number of respondents	Estimated number of responses per respondent	Average burden per response (in hrs)	Estimated total annual burden hours
Pregnancy Screening Activities:					
Pregnancy Screener Sibling Birth Cohort SAQ *(9M to 60M)*.	Biological Mother	1,122	10	3/60	561
Retrospective Pregnancy Interview *(Birth, 3M, 6M)*.	Biological Mother	422	1	47/60	331
Continuous Activities:					
Participant Verification & Tracing (PVT) Interview *(PV1 to 60M)*.	Pregnant Woman, Father/Father Figure, Biological Mother, Primary Caregiver, Secondary Residence Caregiver.	877	15	7/60	1,535
Validation Interview *(Pre-Pregnancy to 60M)*.	Pregnant Woman, Father/Father Figure, Biological Mother, Primary Caregiver, Secondary Residence Caregiver.	850	1	2/60	28

TABLE 1—ESTIMATED ANNUALIZED BURDEN HOURS FOR VANGUARD (PILOT) STUDY RESPONDENTS, STUDY VISITS THROUGH 60 MONTHS OF AGE OF THE CHILD—Continued

Data collection activity	Type of respondent	Estimated number of respondents	Estimated number of responses per respondent	Average burden per response (in hrs)	Estimated total annual burden hours
Participant Information Update—Incentive Substudy *(24M to 60M)*.	Primary Caregiver	1,364	1	5/60	114
Event Driven Activities:					
Pregnancy Loss, Stillbirth, & Neonatal Death Interview *(PV1, PV2, Birth)*.	Pregnant Woman, Biological Mother	13	1	17/60	4
Parent-Caregiver Death Interview *(3M to 60M)*.	Proxy	3	1	3/60	0.17
Child Death Interview *(3M to 60M)*.	Primary Caregiver	4	1	3/60	0.22
Non-Interview Respondent Interview *(Pre-Pregnancy to 60M)*.	Pre-Pregnant Woman, Pregnant Woman, Father/Father Figure, Biological Mother, Primary Caregiver.	603	1	5/60	50
Secondary Residence Interview *(36M, 48M, 60M)*.	Secondary Residence Caregiver	221	1	13/60	48
Preconception Activities:					
Pre-Pregnancy Interview	Pre-Pregnant Woman	445	1	21/60	156
Adult-Focused Biospecimen Collection—Blood & Urine.	Pre-Pregnant Woman	356	1	26/60	154
Pregnancy Probability Group Follow-up.	Pre-Pregnant Woman	445	1	15/60	111
Pre-Natal Activities:					
Pregnancy Visit 1 Interview	Pregnant Woman	333	1	50/60	278
Pregnancy Visit 2 Interview	Pregnant Woman	333	1	18/60	100
Adult-Focused Biospecimen Collection—Blood & Urine *(PV1, PV2)*.	Pregnant Woman	267	2	26/60	231
Environmental Sample Collection—Vacuum Bag Dust *(PV1)*.	Primary Caregiver	283	1	3/60	14
Father Pre-Natal Interview *(PV1 or PV2)*.	Father/Father Figure	317	1	32/60	169
Pregnancy Health Care Log *(PV1 or PV2)*.	Biological Mother	333	1	5/60	28
Birth Activities:					
Birth Interview	Biological Mother	317	1	15/60	79
Adult-Focused Biospecimen Collection—Blood, Urine, Cord Blood, Breast Milk, Placenta, & Microbiome Swab.	Biological Mother	253	1	85/60	358
Child-Focused Biospecimen Collection—Infant Blood Spot.	Child	253	1	3/60	13
Post-Natal Activities:					
Infant & Child Health Care Log *(Birth to 60M)*.	Primary Caregiver	2,067	1	5/60	172
3-Month Interview	Primary Caregiver	475	1	37/60	293
	Biological Mother	475	1	2/60	16
Adult-Focused Biospecimen Collection—Breast Milk, Blood, Urine, Saliva, & Microbiome Swab *(3M, 6M, 12M, 24M, 36M, 48M, 60M)*.	Primary Caregiver	832	14	40/60	7,811
6-Month Interview	Primary Caregiver	475	1	32/60	253
Core Questionnaire—Child, Adult, & Household *(6M to 60M, except 9M)*.	Primary Caregiver	1,107	9	34/60	5,646
Child-Focused Biospecimen Collection—Urine, Blood, Saliva, Microbiome Swab, & Teeth *(6M, 12M, 24M, 36M, 48M, 60M)*.	Primary Caregiver	886	14	44/60	9,027
9-Month Interview	Primary Caregiver	554	1	3/60	28
Father Post-Natal Interview *(9M or 18M)*.	Father/Father Figure	558	1	14/60	130
12-Month Interview	Primary Caregiver	554	1	34/60	314

TABLE 1—ESTIMATED ANNUALIZED BURDEN HOURS FOR VANGUARD (PILOT) STUDY RESPONDENTS, STUDY VISITS THROUGH 60 MONTHS OF AGE OF THE CHILD—Continued

Data collection activity	Type of respondent	Estimated number of respondents	Estimated number of responses per respondent	Average burden per response (in hrs)	Estimated total annual burden hours
Child-Focused Physical Measures—Anthropometry, Blood Pressure, Vision Screening, Lung Function, & Motor Skills *(6M, 12M, 24M, 36M, 48M, 60M)*.	Child	1,217	2	9/60	365
	Primary Caregiver	935	13	41/60	8,375
Environmental Sample Collection—Vacuum Bag Dust, Indoor and Outdoor Visual Observations, & Dust Wipes *(12M, 36M, 48M, 60M)*.	Primary Caregiver	1,085	13	8/60	1,775
18-Month Interview	Primary Caregiver	562	1	40/60	375
24-Month Interview	Primary Caregiver	1,046	1	26/60	453
30-Month Interview	Primary Caregiver	1,286	1	50/60	1,072
36-Month Interview	Primary Caregiver	1,711	1	61/60	1,740
	Child	1,711	1	22/60	627
42-Month Interview	Primary Caregiver	1,364	1	32/60	728
	Biological Mother, Biological Father	1,364	1	15/60	341
48-Month Interview	Primary Caregiver	1,380	1	89/60	2,047\
54-Month Interview	Primary Caregiver	1,431	1	23/60	549
60-Month Interview	Primary Caregiver	1,332	1	46/60	1,021
	Child	1,332	1	22/60	488
Subsample Studies:					
Noise *(36M, 60M)*	Primary Caregiver	200	2	17/60	113
Bioelectrical Impedance Analysis (BIA) *(48M, 60M)*.	Primary Caregiver	67	2	7/60	16
Physical Activity (Accelerometer) *(36M, 48M, 60M)*.	Primary Caregiver	200	3	43/60	430
Total Vanguard (Pilot) Study					48,567
Total Formative Research					2,835

Dated: December 6, 2013.

Sarah L. Glavin,

Deputy Director, Office of Science Policy, Analysis, and Communications, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health.

[FR Doc. 2013–30091 Filed 12–17–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; Low-Dose CT Imaging (UO1).

Date: February 26, 2014.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, DEM II, Suite 951, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John K. Hayes, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, 301–451–3398, *hayesj@mail.nih.gov.*

Dated: December 12, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30012 Filed 12–17–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of meetings of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose

confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: February 5, 2014.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: To present the Director's Report and other scientific presentations.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Closed: 4:15 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Digestive Diseases and Nutrition Subcommittee.

Date: February 5, 2014.

Open: 1:00 p.m. to 2:30 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Closed: 2:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Diabetes, Endocrinology and Metabolic Diseases Subcommittee.

Date: February 5, 2014.

Open: 1:00 p.m. to 2:30 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference 10, 31 Center Drive, Bethesda, MD 20892.

Closed: 2:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Kidney, Urologic and Hematologic Diseases Subcommittee.

Date: February 5, 2014.

Open: 1:00 p.m. to 3:00 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 7, 31 Center Drive, Bethesda, MD 20892.

Closed: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 7, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.niddk.nih.gov/fund/divisions/DEA/Council/coundesc.htm.*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 12, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30009 Filed 12–17–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the National Advisory Neurological Disorders and Stroke Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Neurological Disorders and Stroke Council.

Date: January 30–31, 2014.

Open: January 30, 2014, 8:00 a.m. to 3:00 p.m.

Agenda: Report by the Director, NINDS; Report by the Associate Director for Extramural Research; and Administrative and Program Developments.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Closed: January 30, 2014, 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Closed: January 31, 2014, 8:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Contact Person: Robert Finkelstein, Ph.D., Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, NIH, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892, (301) 496–9248.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on

this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http:// www.ninds.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

December 11, 2013.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30015 Filed 12–17–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, October 23, 2013, 4:30 p.m. to October 23, 2013, 5:30 p.m., National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD, 20892 which was published in the **Federal Register** on September 30, 2013, 78 FR 59945.

This teleconference, originally scheduled for October 23, 2013, will be held on December 18, 2013, from 11 a.m. to 12 p.m. The meeting is closed to the public.

Dated: November 6, 2013.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30199 Filed 12–16–13; 4:15 pm]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Biomedical Imaging and Bioengineering.

The meeting will be open to the public as indicated below. This will be a virtual meeting. Please log on to the following URL: *https:// webmeeting.nih.gov/nacbibopen/* to join the open session. If you have questions please notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Biomedical Imaging and Bioengineering.

Date: January 22, 2014.

Open: 11:00 a.m. to 11:30 a.m.

Agenda: Report from the Institute Director and other Institute Staff.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Suite 200, Room 241, Bethesda, MD 20892.

Closed: 11:45 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Suite 200, Room 241, Bethesda, MD 20892.

Contact Person: Anthony Demsey, Ph.D., Director, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 241, Bethesda, MD 20892.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http:// www.nibib1.nih.gov/about/NACBIB/ NACBIB.htm,* where an agenda and any additional information for the meeting will be posted when available.

Dated: December 12, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30010 Filed 12–17–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of meetings of the National Center for Advancing Translational Sciences.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Cures Acceleration Network Review Board.

Date: January 16, 2014.

Open: 8:30 a.m. to 2:30 p.m.

Agenda: Report from the Institute Director.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Danilo A Tagle, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, 1 Democracy Plaza, Room 992, Bethesda, MD 20892, 301–594–8064, *Danilo.Tagle@nih.gov.*

Name of Committee: National Center for Advancing Translational Sciences Advisory Council.

Date: January 16, 2014.

Open: 8:30 a.m. to 2:30 p.m.

Agenda: Report from the Institute Director and other staff.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Closed: 2:45 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Danilo A Tagle, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, 1 Democracy Plaza, Room 992, Bethesda, MD 20892, 301–594–8064, *Danilo.Tagle@nih.gov.*

Dated: December 12, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30008 Filed 12–17–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Tumor Progression and Metastasis Study Section, October 17, 2013, 8 a.m. to October 18, 2013, 5 p.m., Embassy Suites, 900, 10th Street NW., Washington, DC which was published in the **Federal Register** on September 23, 2013, 78 FR 58324.

The meeting will start on December 18, 2013 at 8 a.m. and end on December 19, 2013 at 12 pm. The meeting location remains the same. The meeting is closed to the public.

Dated: November 6, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30198 Filed 12–16–13; 4:15 pm]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; NIDA A–START Applications.

Date: January 7, 2014.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Mary Clare Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 12, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30013 Filed 12–17–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Alternative Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Complementary and Alternative Medicine.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Complementary and Alternative Medicine; NCCAM Advisory Council Board.

Date: February 7, 2014.

Closed: 9:00 a.m. to 9:45 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Open: 10:00 a.m. to 4:00 p.m.

Agenda: A report from the Institute Director and other staff.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Martin H. Goldrosen, Ph.D., Director, Division of Extramural Activities, National Center for Complementary and Alternative Medicine, NIH, 6707 Democracy Blvd., Ste. 401, Bethesda, MD 20892–5475, (301) 594–2014, *goldrosm@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *nccam.nih.gov/about/naccam/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: December 11, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–30014 Filed 12–17–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2013–0977]

Merchant Marine Personnel Advisory Committee: Intercessional Meeting

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee working group meeting.

SUMMARY: A working group of the Merchant Marine Personnel Advisory Committee (MERPAC) will meet to work

on Task Statement 80, concerning crew training requirements onboard vessels subject to the International Code of Safety for ships using gases or low flash-point fuels (IGF Code). This meeting will be open to the public.

DATES: A MERPAC working group will meet on January 8, 2014, and January 9, 2014, from 8 a.m. until 4 p.m. Please note that the meeting may adjourn early if all business is finished. Written comments to be distributed to working group members and placed on MERPAC's Web site are due by January 6, 2014.

ADDRESSES: The working group will meet in Room A307 of the Maritime Institute of Technology and Graduate Studies (MITAGS), 692 Maritime Boulevard, Linthicum Heights, MD 21090. For further information on the location of MITAGS or services for individuals with disabilities or to request special assistance, please contact Mr. Brian Senft at (410) 859–5700.

To facilitate public participation, we are inviting public comment on the issue to be considered by the work group, which is listed in the ''Agenda'' section below. Written comments must be submitted on or before January 6, 2014, and must be identified by Docket No. USCG–2013–0977, and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The telephone number is 202–366–9329.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* enter the docket number in the ''Search'' field and follow instructions on the Web site.

Public oral comment periods will be held during the working group meeting. Speakers are requested to limit their comments to 3 minutes. Please note that the public oral comment periods may end before the prescribed ending time following the last call for comments. Contact Gerald Miante as indicated below no later than January 6, 2014 to register as a speaker.

This notice may be viewed in our online docket, USCG–2013–0977, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Gerald Miante, Alternate Designated Federal Officer of MERPAC, telephone 202–372–1407 or at *gerald.p.miante@uscg.mil.* If you have any questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (Pub. L. 92–463).

MERPAC is an advisory committee authorized under section 871 of the Homeland Security Act of 2002, Title 6, United States Code, section 451, and chartered under the provisions of the FACA. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security (DHS) through the Commandant of the Coast Guard and the Director of Commercial Regulations and Standards on matters relating to personnel in the U.S. merchant marine, including but not limited to training, qualifications, certification, documentation, and fitness standards. The Committee will advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

A copy of all meeting documentation, including the Task Statement, is available at *https://homeport.uscg.mil* by using these key strokes: Missions; Port and Waterways Safety; Advisory Committees; MERPAC; and then use the announcements key. Alternatively, you may contact Mr. Miante as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Agenda

Day 1

The agenda for the January 8, 2014, working group meeting is as follows:

(1) Review and make recommendations concerning the draft International Maritime Organization (IMO) training tables and correspondence group tables for crewmembers serving onboard vessels fueled by gases or low flash-point fuels;

(2) Public comment period;

(3) Discuss and prepare proposed recommendations for the full committee to consider with regards to Task Statement 80, concerning crew training requirements onboard vessels subject to the International Code of Safety for ships using gases or low flash-point fuels (IGF Code); and

(4) Adjournment of meeting.

Day 2

The agenda for the January 9, 2014, working group meeting is as follows:

(1) Continue discussion on proposed recommendations;

(2) Public comment period;

(3) Discuss and prepare final recommendations for the full committee to consider with regards to Task Statement 80, concerning crew training requirements onboard vessels subject to the IGF Code; and

(4) Adjournment of meeting.

Dated: December 12, 2013.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2013–30074 Filed 12–17–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0124]

Agency Information Collection Activities: Consideration of Deferred Action for Childhood Arrivals, Form I–821D; Revision of a Currently Approved Collection

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until February 18, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0124 in the subject box, the agency name and Docket ID USCIS–2012–0124. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.Regulations.gov* under e-Docket ID number USCIS–2012–0012;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved information collection.

(2) *Title of the Form/Collection:* Consideration of Deferred Action for Childhood Arrivals.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–821D; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or Households. The information collected on this form is used by USCIS to determine eligibility of certain individuals who were brought to the United States as children and meet the following guidelines to be considered for deferred action for childhood arrivals:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching their 16th birthday, and established residence at that time;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or their lawful immigration status expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

These individuals will be considered for relief from removal from the United States or from being placed into removal proceedings as part of the deferred action for childhood arrivals process. Those who submit requests with USCIS and demonstrate that they meet the threshold guidelines may have removal action in their case deferred for a period of two years, subject to renewal (if not terminated), based on an individualized, case by case assessment of the individual's equities. Only those individuals who can demonstrate, through verifiable documentation, that they meet the threshold guidelines will be considered for deferred action for childhood arrivals, except in exceptional circumstances.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

178,016 respondents responding for initial request via the paper-based Form I–821D at 3 hours per response.

66,586 respondents responding for initial request via the USCIS Electronic Immigration System (USCIS ELIS) at an estimated 2 hours and 50 minutes (2.83 hours).

254,722 respondents responding for renewal request via the paper-based Form I–821D at 3 hours per response.

95,278 respondents responding for renewal request via USCIS ELIS at an estimated 2 hours and 50 minutes (2.83 hours).

(6) *An estimate of the total public burden (in hours) associated with the collection:*

1,756,288 annual burden hours.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov.*

We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: December 13, 2013.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2013–30131 Filed 12–17–13; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5690–N–17]

60-Day Notice of Proposed Information Collection: Capital Fund Community and Education Training Facilities

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information for Applicant/Tenant's Consent to the Release of Information and the Authorization for the Release of Information/Privacy Act Notice. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: February 18, 2014.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–5564 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. 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 FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Capital Fund Education and Training Community Facilities.

OMB Approval Number: 2577–0268.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–27061, HUD–50075.1.

Description of the need for the information and proposed use: The Department of Housing and Urban Development awarded grant funds to 19 Public Housing Authorities (PHAs) in 2010 and 2011 for the development of facilities to provide early childhood education, adult education, and/or job training programs for public housing residents based on an identified need. These facilities will offer comprehensive, integrated supportive services to help public housing residents achieve better educational and economic outcomes resulting in long-term economic self-sufficiency. This collection of information will enable HUD to determine if the PHAs are making efficient use of the funds awarded.

Respondents (i.e. affected public): Individuals or households, State, Local, or Tribal Government.

ESTIMATED ANNUAL REPORTING AND RECORDKEEPING BURDEN

Form/document	Number of respondents	Frequency	Total responses	Hours per response	Total hours	Cost per hour	Total cost
Two-page summary of development activity	19	1	19	.5	9.5	$40.58	$385.50
HUD–27061	19	1	19	0.25	4.75	40.58	192.75
HUD–50075.1	19	1	19	0.25	4.75	40.58	192.75
Totals			19	1.00	19		771.00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35 as amended.

Dated: December 6, 2013.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2013–30083 Filed 12–17–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2013–N256; FXES11130600000D2–123–FF06E00000]

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered or threatened species. With some exceptions, the Endangered Species Act of 1973, as amended (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: To ensure consideration, please send your written comments by January 17, 2014.

ADDRESSES: You may submit comments or requests for copies or more information by any of the following methods. Alternatively, you may use one of the following methods to request hard copies or a CD–ROM of the documents. Please specify the permit you are interested in by number (e.g., Permit No. TE–XXXXXX).

- *Email: permitsR6ES@fws.gov*. Please refer to the respective permit number (e.g., Permit No. TE–XXXXXX) in the subject line of the message.
- *U.S. Mail:* Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486–DFC, Denver, CO 80225.
- *In-Person Drop-Off, Viewing, or Pickup:* Call (303) 236–4212 to make an appointment during regular business hours at 134 Union Blvd., Suite 645, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Kathy Konishi, Permit Coordinator, Ecological Services, (303) 236–4212 (phone); *permitsR6ES@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

The Act (16 U.S.C. 1531 *et seq.*) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. Along with our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR 17, the Act provides for permits and requires that we invite public comment before issuing these permits.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittees to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, and Federal agencies and the public to comment on the following applications. Documents and other information the applicants have submitted with their applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit Application Number TE070027

Applicant: Tern and Plover Conservation Partnership, 516 Hardin Hall, 3310 Holdrege St., University of Nebraska, Lincoln, NE.

The applicant requests the renewal of a permit to conduct presence/absence surveys and banding of interior least terns (*Sterna antillarum athalassos*) in Nebraska for the purpose of enhancing the species' survival.

Permit Application Number TE094832

Applicant: U.S. Army Corps of Engineers, Federal Hydropower Facility, 399 Powerhouse Rd., Pickstown, SD.

The applicant requests the renewal of a permit for public educational display of pallid sturgeon (*Scaphirynchus albus*) for the purpose of enhancing the species' survival.

Permit Application Number TE069553

Applicant: U.S. Forest Service, Wall Ranger District, 708 Main St., Wall, SD.

The applicant requests the renewal of an existing permit to take black-footed ferret (*Mustela nigripes*) in conjunction with recovery activities in South Dakota for the purpose of enhancing its survival and recovery.

National Environmental Policy Act

In compliance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the proposed activities in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM 6 Appendix 1, 1.4C(1)).

Public Availability of Comments

All comments and materials we receive in response to these requests will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

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.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Dated: December 11, 2013.

Nicole Alt,

Acting Assistant Regional Director, Mountain-Prairie Region.

[FR Doc. 2013–30064 Filed 12–17–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2013–N268; FF06E24000–XXX–FRES48010660150]

Endangered and Threatened Wildlife and Plants; Enhancement of Survival Permit Application; Draft Oil and Gas Candidate Conservation Agreement With Assurances for the Lesser Prairie-Chicken; Draft Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), received an application for an enhancement of survival permit (permit) under the Endangered Species Act of 1973, as amended (ESA), for take associated with implementation of a lesser prairie-chicken Candidate Conservation Agreement with Assurances (CCAA) throughout the species' range in Kansas, Colorado, Oklahoma, New Mexico, and Texas. The intent of the CCAA is to provide the oil and gas industry with the opportunity to voluntarily conserve the lesser prairie-chicken and its habitat, in a manner that would contribute to precluding the need to list the species, while carrying out their oil and gas activities. The Western Association of Fish and Wildlife Agencies (WAFWA) is the permit applicant and proposes to convey incidental take authorization to oil and gas companies that enroll in the CCAA through certificates of inclusion. Pursuant to the National Environmental Policy Act (NEPA), we have prepared a draft environmental assessment (EA) that analyzes the potential impacts of issuance of the permit and implementation of the proposed CCAA, as well as two alternatives to the proposed action. The permit application, draft CCAA, and draft EA

are available for public review, and we seek public comment on these documents and potential issuance of the permit.

DATES: Written comments must be submitted by January 17, 2014.

ADDRESSES: Send written comments to Field Supervisor, Colorado Ecological Services Field Office, 134 Union Blvd., Ste. 670, Lakewood, CO 80228; or via email to *lesserprairiechicken@fws.gov.* The draft CCAA and EA are available for review on our Mountain-Prairie Region Ecological Services Web site at *http://www.fws.gov/coloradoes/.*

You also may review copies of these documents by appointment during regular business hours at the following offices: (a) Colorado Ecological Services Field Office (ESFO) (see address above), (303) 236–4773; (b) Kansas ESFO, 2609 Anderson Ave., Manhattan, KS 66502, (785) 539–3474; (c) Oklahoma ESFO, 9014 East 21 St., Tulsa, OK 74129, (918) 382–4501; (d) Austin, Texas ESFO, 10711 Burnet Rd., Suite 200, Austin, TX 78758, (512) 490–0057; (e) Arlington, Texas ESFO, 2005 NE Green Oaks Blvd., Suite 140, Arlington, TX 76006, (817) 277–1100; and (f) New Mexico ESFO, 2105 Osuna NE., Albuquerque, NM 87113, (505) 346–2525.

If you do not have access to the Web site or cannot visit our office, you may request copies by telephone at (303) 236–4773 or by letter to the Colorado ESFO.

FOR FURTHER INFORMATION CONTACT: Leslie Ellwood, Fish and Wildlife Biologist, Colorado Ecological Services Field Office, (303) 236–4747; *leslie_ellwood@fws.gov.*

SUPPLEMENTARY INFORMATION: A CCAA is an agreement in which private and other non-Federal landowners voluntarily agree to undertake management activities and conservation efforts on their properties to enhance, restore, or maintain habitat to benefit species that are proposed for listing under the ESA, that are candidates for listing, or that may become candidates. If we approve the CCAA, we will issue an associated enhancement of survival permit, under section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*), that authorizes incidental take resulting from covered activities should the species addressed in the CCAA become listed. Through the CCAA and permit, we also provide assurances to participating landowners that we will not impose additional land, water, or financial commitments or restrictions on land, water, or resource use, as a result of efforts to attract or increase the numbers or distribution of a species on their property if that species becomes listed under the ESA in the future. Application requirements and issuance criteria for enhancement of survival permits through a CCAA are found in 50 CFR 17.22(d) and 17.32(d), as well as 50 CFR part 13.

Under the proposed range-wide CCAA, participating members of the oil and gas industry (Participants) would implement conservation measures that avoid, minimize, and mitigate impacts to the lesser prairie-chicken and their habitat from oil and gas activities on enrolled lands. The Service would issue the permit to WAFWA, who would administer the CCAA and enroll the Participants. The CCAA would be in effect for 30 years. The CCAA would cover non-Federal lands within the current range of the lesser prairie-chicken, plus a 10-mile buffer around the current range. Any non-Federal lands within lesser prairie-chicken habitat in the covered area may be eligible for enrollment under the proposed CCAA.

The CCAA proposes to implement WAFWA's Lesser Prairie-chicken Range-wide Plan (Range-wide Plan), which the Service endorsed and WAFWA finalized in October 2013. The Range-wide Plan's conservation framework provides for financial incentives to landowners who voluntarily manage their lands to benefit the species. It also includes conservation measures to avoid, minimize, and mitigate impacts specific to current and anticipated land-use activities within the species' range, including oil and gas development. The Range-wide Plan contains a detailed mitigation fee structure that incentivizes locating impact activities outside of lesser prairie-chicken habitat or within lower quality habitat rather than within medium or high quality habitat. The proposed CCAA incorporates the Range-wide Plan's conservation measures and mitigation fees pertaining to oil and gas activities. Enrollment of lands with habitat impacted by oil and gas activities into the CCAA is intended to generate mitigation fees that will significantly help fund implementation of conservation actions under the Range-wide Plan for the lesser prairie-chicken throughout its range.

With issuance of the enhancement of survival permit, the Service would provide WAFWA and the Participants assurances that, should the lesser prairie-chicken be listed, no further commitments or restrictions than those they committed to under the CCAA would be imposed, as long as the CCAA is properly implemented. Furthermore, if the lesser prairie-chicken is listed, the permit would provide WAFWA with incidental take authorization. Participants would also receive take authorization through their certificates of inclusion under the permit. The permit would become effective on the effective date of a listing of the lesser prairie-chicken as endangered or threatened and would continue through the end of the CCAA term.

Background

The lesser prairie-chicken currently inhabits rangelands dominated primarily by shinnery oak-bluestem and sand sagebrush-bluestem vegetation. Major factors affecting the status of the lesser prairie-chicken are habitat fragmentation, overutilization of habitat by domestic livestock, oil and gas development, wind energy development, loss of native rangelands to cropland conversion, herbicide use, fire suppression, and drought. On June 9, 1998, we determined that listing of the lesser prairie-chicken under the ESA was warranted but precluded by other higher priority actions (63 FR 31400). In the December 10, 2008, Candidate Notice of Review (73 FR 75176), we elevated the listing priority of the lesser prairie-chicken from 8 to 2, because the overall magnitude of threats to the lesser prairie-chicken were increasing and occurring throughout almost all of its occupied range.

On December 11, 2012, the Service proposed to list the lesser prairie chicken as threatened throughout its range (77 FR 73828). On May 6, 2013, the Service proposed a special rule (78 FR 26302), under section 4(d) of the ESA, that would allow for take of the lesser prairie chicken incidental to activities conducted pursuant to a Service-approved comprehensive conservation program developed by or in coordination with a State agency. The rule also proposed authorizing take incidental to agricultural activities included within a conservation plan developed by the Natural Resources Conservation Service (NRCS) for private agricultural lands in connection with the NRCS's Lesser Prairie Chicken Initiative. The Service has published the revised proposed 4(d) rule for public comment (78 FR 75306; December 11, 2013), and intends to issue its final determinations on the proposed listing and 4(d) rule no later than March 30, 2014.

The Service has issued permits under three other approved CCAAs for the lesser prairie-chicken. A Statewide umbrella CCAA has been in effect in Texas since 2006, to enhance conservation efforts in conjunction with ranching, agricultural land use, and oil and gas activities. In New Mexico, a

combined umbrella CCAA and Candidate Conservation Agreement with the Bureau of Land Management, approved in 2008, addresses conservation efforts for oil and gas impacts. Most recently, a CCAA was finalized in 2013, for agricultural land use in Oklahoma. An additional CCAA was established with a single landowner in southwestern Kansas; however, this CCAA has since expired. The proposed rule to list the lesser prairie-chicken details several other conservation efforts for the species (77 FR 73828).

WAFWA developed the draft range-wide CCAA for oil and gas activities to facilitate implementation of the Range-wide Plan for conserving the lesser prairie-chicken and restoring its habitat on non-Federal lands throughout its range. Implementation of conservation measures in the proposed CCAA are expected to benefit the lesser prairie-chicken by establishing, augmenting and maintaining populations. Conservation measures that minimize new surface disturbance would also minimize habitat fragmentation and preserve contiguous expanses of habitat. Conservation measures that limit activities and operations during lekking, nesting, and brooding seasons would minimize impacts to reproduction. Furthermore, the conservation offsets implemented with mitigation fees from Participants are expected to further enhance lesser prairie-chicken habitat through the removal of infrastructure and remediation of impacts to restore habitat. Finally, the CCAA's regulatory assurances would act as an incentive for participation by oil and gas companies, thereby increasing conservation for the species.

The Secretary of the Interior has delegated to the Service the authority to approve or deny a section 10(a)(1)(A) permit in accordance with the ESA. To act on WAFWA's permit application, we must determine that the CCAA meets the issuance criteria specified in the ESA and at 50 CFR 17.22 and 17.32, as well as 50 CFR part 13. These criteria include a finding that the proposed CCAA complies with the requirements of our CCAA Policy (64 FR 32726, June 17, 1999).

The issuance of a section 10(a)(1)(A) permit is a Federal action subject to NEPA compliance, including the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500–1508). WAFWA's draft CCAA and application for the enhancement of survival permit are not eligible for categorical exclusion under NEPA. We have prepared a draft EA to further analyze the direct, indirect, and cumulative impacts of the CCAA on the quality of the human environment and other natural resources. In compliance with NEPA, we analyzed the impacts of implementing the CCAA, issuance of the permit, and a reasonable range of alternatives in the draft EA. Based on these analyses and any new information resulting from public comment on the proposed action, we will determine if issuance of the permit would cause any significant impacts to the human environment. After reviewing public comments, we will evaluate whether the proposed action and alternatives in the draft EA are adequate to support a Finding of No Significant Impact under NEPA. We now make the draft EA available for public inspection online or in person at the Service offices listed in **ADDRESSES**.

Public Availability of Comments

All comments we receive become part of the public record. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, NEPA, and Department of the Interior policies and procedures. 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 to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22, 17.32), and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Dated: December 11, 2013.

Amelia Orton-Palmer,

Acting Assistant Regional Director—Ecological Services, Mountain-Prairie Region, Denver, CO.

[FR Doc. 2013–30196 Filed 12–17–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO300000.L14300000.xx0000]

Renewal of Approved Information Collection

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) to continue the collection of information from individuals, private entities, and State or local governments seeking leases, permits, and easements for the use, occupancy, or development of public lands administered by the BLM. The Office of Management and Budget (OMB) previously approved this information collection activity, and assigned it control number 1004–0009.

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. For maximum consideration, written comments should be received on or before January 17, 2014.

ADDRESSES: Please submit comments directly to the Desk Officer for the Department of the Interior (OMB #1004–0009), Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202–395–5806, or by electronic mail at *OIRA_submission@omb.eop.gov.* Please provide a copy of your comments to the BLM. You may do so via mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: To Jean Sonneman at 202–245–0050.

Electronic mail: Jean_Sonneman@blm.gov.

Please indicate ''Attn: 1004–0009'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Jeff Holdren at 202–912–7335. Persons who use a telecommunication device for the deaf may call the Federal Information Relay Service at 1–800–877–8339, to leave a message for Mr. Holdren. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and

recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)).

As required at 5 CFR 1320.8(d), the BLM published a 60-day notice in the **Federal Register** on September 27, 2013 (78 FR 59711), and the comment period ended on November 26, 2013. The BLM received one comment. The comment was a general invective about the Federal government, the Department of the Interior, and the BLM. It did not address, and was not germane to, this information collection. Therefore, we have not changed the collection in response to the comment.

The BLM now requests comments on the following subjects:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Please send comments as directed under **ADDRESSES** and **DATES**. Please refer to OMB control number 1004–0009 in your correspondence. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The following information is provided for the information collection:

Title: Land Use Application and Permit (43 CFR Part 2920).

OMB Control Number: 1004–0009.

Summary: Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1732) and regulations at 43 CFR part 2920 authorize the issuance of leases, permits, and easements for the use, occupancy, or development of public lands administered by the BLM. A variety of land uses are permissible. The burdens to respondents also can vary.

Frequency of Collection: On occasion.

Forms: Form 2920–1, Land Use Application and Permit.

Description of Respondents: Individuals, private entities, and State or local governments seeking leases, permits, or easements for the use, occupancy, or development of public lands.

Estimated Annual Responses: 407.

Estimated Annual Burden Hours: 1,597.

Estimated Annual Non-Hour Costs: $131,760.

The following table itemizes the estimated annual burdens for respondents:

A. Type of response	B. Number of responses annually	C. Time for each response (hours)	D. Annual hour burden (column B × column C) (hours)
Land Use Application and Permit\43 CFR Part 2920 Form 2920–1 Individuals	66	1	66
Land Use Application and Permit 43 CFR Part 2920 Form 2920–1 State and Local Governments	45	1	45
Land Use Application and Permit 43 CFR Part 2920 Form 2920–1 Private Sector/Typical	286	1	286
Land Use Application and Permit 43 CFR Part 2920 Form 2920–1 Private Sector/Complex	10	120	1,200
Totals	407		1,597

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2013–30112 Filed 12–17–13; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WYW 72580]

Public Land Order No. 7822; Partial Revocation of Secretarial Order Dated May 2, 1919; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes a Secretarial Order insofar as it affects 1,106.76 acres of public lands withdrawn on behalf of the Bureau of Reclamation for the Shoshone Reclamation Project.

DATES: The effective date is December 18, 2013.

FOR FURTHER INFORMATION CONTACT: Janelle Wrigley, Realty Officer, Bureau of Land Management, 5353 North Yellowstone Road, Cheyenne, WY 82009, 307–775–6257 or via email at *jwrigley@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. 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 Bureau of Reclamation has determined that a portion of the lands withdrawn on its behalf for the Shoshone Reclamation Project is no longer needed for reclamation purposes. The lands will remain closed to settlement, sale, location, or entry under the general land laws, including the United States mining laws, until the Bureau of Land Management completes a planning review.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

The Secretarial Order dated May 2, 1919, which withdrew lands from settlement, sale location, or entry under the general land laws, including the United States mining laws, for the Bureau of Reclamation Shoshone Reclamation Project, is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian

T. 53 N., R. 98 W.,

Lots 38A to 38H, inclusive, and lots 39A to 39H, inclusive;

Sec. 34, lots 1 to 4, inclusive and E½.

The areas described aggregate 1,106.76 acres in Park County.

Dated: December 3, 2013.

Rhea S. Suh,

Assistant Secretary—Policy, Management and Budget.

[FR Doc. 2013–30085 Filed 12–17–13; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2013–0002; MMAA104000]

Atlantic Wind Lease Sale 3 (ATLW3) Commercial Leasing for Wind Power on the Outer Continental Shelf Offshore Maryland—Proposed Sale Notice

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Proposed Sale Notice for Commercial Leasing for Wind Power on the Outer Continental Shelf Offshore Maryland.

SUMMARY: This document is the Proposed Sale Notice (PSN) for the sale of commercial wind energy leases on the Outer Continental Shelf (OCS) offshore Maryland, pursuant to BOEM's regulations at 30 CFR 585.216. BOEM proposes to offer for sale two leases, Lease OCS–A 0489 and Lease OCS–A 0490. BOEM will use a multiple-factor auction for the lease sale. In this PSN, you will find information pertaining to the areas available for leasing, proposed lease provisions and conditions, auction details, the lease form, criteria for evaluating competing bids, award procedures, appeal procedures, and lease execution. BOEM invites comments during a 60-day comment period following publication of this notice. The issuance of the proposed leases resulting from this sale would not constitute an approval of project-specific plans to develop offshore wind energy. Such plans, expected to be submitted by successful lessees, will be subject to subsequent environmental and public review prior to a decision to proceed with development.

DATES: Comments should be submitted electronically or postmarked no later than February 18, 2014. All comments received or postmarked during the comment period will be made available to the public and considered prior to publication of the Final Sale Notice (FSN).

All bidders interested in participating in the lease sale who have not previously been qualified by BOEM to participate in this lease sale must submit the required qualification materials by the end of the 60-day comment period for this notice. All qualification materials must be postmarked no later than February 18, 2014.

ADDRESSES: Potential auction participants, Federal, state, and local government agencies, tribal governments, and other interested parties are requested to submit their written comments on the PSN in one of the following ways:

1. *Electronically: http://www.regulations.gov.* In the entry entitled, ''Enter Keyword or ID,'' enter BOEM–2013–0002 then click ''search.'' Follow the instructions to submit public comments.

2. *Written Comments:* In written form, delivered by hand or by mail, enclosed in an envelope labeled ''Comments on Maryland PSN'' to: Office of Renewable Energy Programs, Bureau of Ocean Energy Management, 381 Elden Street, HM 1328, Herndon, Virginia 20170.

3. *Qualifications Materials:* Those submitting qualifications materials should contact Erin C. Trager, BOEM Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170, (703) 787–1320, or *erin.trager@boem.gov.*

If you wish to protect the confidentiality of your comments or qualification materials, clearly mark the relevant sections and request that BOEM treat them as confidential. Please label privileged or confidential information with the caption, ''Contains Confidential Information'' and consider submitting such information as a separate attachment. Treatment of confidential information is addressed in the section of this PSN entitled ''Protection of Privileged or Confidential Information''. Information that is not labeled as privileged or confidential will be regarded by BOEM as suitable for public release.

FOR FURTHER INFORMATION CONTACT: Erin C. Trager, BOEM Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170, (703) 787–1320 or *erin.trager@boem.gov.*

Authority: This PSN is published pursuant to subsection 8(p) of the OCS Lands Act (43 U.S.C. 1337(p)) (''the Act''), as amended by section 388 of the Energy Policy Act of 2005 (EPAct), and the implementing regulations at 30 CFR part 585, including 30 CFR 585.211 and 30 CFR 585.216.

Background: The area described for leasing in this PSN is the same as the area described in the Maryland Call for Information and Nominations (Call) (77 FR 5552, Feb. 3, 2012). Detailed information regarding the lease areas is provided in the section entitled, ''Areas Offered for Leasing.''

On February 3, 2012, BOEM published the Notice of Availability (NOA) (77 FR 5560) for the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for commercial wind lease issuance and site assessment activities on the Atlantic OCS offshore New Jersey, Delaware, Maryland, and Virginia, pursuant to the National Environmental Policy Act. Consultations ran concurrently with the preparation of the EA and included consultation under the Endangered Species Act (ESA), the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), section 106 of the National Historic Preservation Act (NHPA), and the Coastal Zone Management Act (CZMA). The *Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore New Jersey, Delaware, Maryland, and Virginia Final Environmental Assessment* (Mid-Atlantic EA) can be found at: *http://www.boem.gov/Renewable-Energy-Program/Smart-from-the-Start/Index.aspx.*

On May 29, 2012, BOEM initiated consultation with the National Marine Fisheries Service under the ESA for geological and geophysical (G&G) activities in support of oil and gas exploration and development, renewable energy, and marine minerals in the Mid- and South Atlantic Planning Areas. Formal consultation concluded with receipt of a Biological Opinion dated July 19, 2013. The Biological Opinion, along with the previous informal consultation, informed the development of this proposed sale of commercial wind leases offshore Maryland.

Additional environmental reviews will be prepared upon receipt of a Lessee's proposed project-specific plans, such as a Site Assessment Plan (SAP) or Construction and Operations Plan (COP).

Atlantic Grid Holdings LLC (ROW) Grant Request: On March 31, 2011, Atlantic Grid Holdings LLC submitted an unsolicited application for a Right-of-Way grant on the OCS. Potential bidders should be aware that the unsolicited application is under consideration by BOEM, and that a portion of the project

is proposed to be situated within the Maryland Wind Energy Area (WEA). Following publication of a notice for a 60-day comment period to determine interest in the grant, BOEM published its determination of no competitive interest (77 FR 28620, May 5, 2012). The nomination and associated notices can be found at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/Regional-Proposals.aspx.*

Deadlines and Milestones For Bidders: This section describes the major deadlines and milestones in the auction process from publication of this PSN to execution of leases pursuant to the sale. These are organized into various stages: (1) The PSN comment period; (2) from the end of PSN comment period to publication of the FSN; (3) the FSN waiting period; (4) conducting the Auction; and (5) from the Auction Stage to Lease Execution.

1. The PSN Comment Period:

• *Submit Comments:* The public is invited to submit comments during this 60-day period.

• *Public Seminar:* BOEM will host a public seminar to discuss the lease sale process and the auction format.

• *Receive Qualifications Materials:* All qualifications materials must be received by BOEM by the end of the 60-day PSN comment period. This includes materials sufficient to establish a company's legal, technical and financial qualifications.

• *Select and Invite Panelists:* BOEM will appoint a panel of three BOEM employees for the purposes of reviewing the non-monetary packages and verifying the results of the lease sale.

2. End of PSN Comment Period to FSN Publication

• *Review Comments:* BOEM will review all comments submitted in response to the PSN during the comment period.

• *Finalize Qualifications Reviews:* BOEM will complete any outstanding qualifications reviews using materials that were submitted during the PSN comment period and requested by BOEM prior to the FSN. The final list of eligible bidders will be published in the FSN.

• *Prepare the FSN:* BOEM will prepare the FSN by updating the PSN where appropriate.

• *Brief and Update the BOEM Maryland Intergovernmental Task Force:* BOEM will schedule a meeting or webinar of the BOEM Maryland Intergovernmental Task Force to discuss the FSN.

3. FSN Waiting Period

• *Publish FSN:* BOEM will publish the FSN in the **Federal Register**.

• *Bidder's Financial Form (BFF):* Within 14 days of publication of the FSN in the **Federal Register**, eligible bidders must submit a complete and signed BFF to BOEM. Once this information has been processed by BOEM, bidders may log into *pay.gov* and leave bid deposits. If BOEM does not receive the BFF by the date mentioned in the **Federal Register**, a company may be disqualified from participating in the auction.

• *Bid Deposits:* Within 30 days of publication of the FSN in the **Federal Register**, bidders must submit a bid deposit meeting the requirements listed in the FSN. Any bidder that fails to submit the bid deposit by the deadline included in the FSN may be disqualified from participating in the auction.

• *Non-Monetary Package:* Within 30 days of publication of the FSN in the **Federal Register**, bidders seeking a non-monetary credit must submit a non-monetary package meeting the requirements listed in the FSN.

• *Mock Auction:* BOEM will hold a Mock Auction open to qualified sale bidders only. The Mock Auction will take place approximately one week before the lease sale. Final details of the Mock Auction will be provided in the FSN.

4. Conducting the Auction: BOEM, through its contractor, will hold an auction as described in this notice. The auction will take place no sooner than 30 days following publication of the FSN in the **Federal Register**. The estimated timeframes described in this notice assume an auction date approximately 45 days after publication of the FSN.

• *Convene Panel:* The panel will convene to consider non-monetary packages submitted by qualified bidders. The panel will send determinations of credit eligibility to BOEM, and BOEM will inform eligible bidders. Bidders will not be informed of the non-monetary credit eligibility of other bidders before the auction.

• *Monetary Auction:* The monetary auction will be conducted on the date specified in the FSN.

• *Announce Provisional Winners:* BOEM will announce the provisional winners of the lease sale after the auction ends.

• *Reconvene the Panel:* The panel will reconvene to verify auction results.

5. From Auction to Lease Execution

• *Refund Non-Winners:* BOEM will return the bid deposit of any bidder that did not win a lease in the lease sale. BOEM will provide a written explanation of why the bidder did not win.

• *Department of Justice (DOJ) Review:* BOEM will allow DOJ 30 days in which to conduct an antitrust review of the auction, pursuant to 43 U.S.C. 1337(c), which reads, in relevant part:

Antitrust review of lease sales. Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary [of the Interior] shall allow the Attorney General, in consultation with the Federal Trade Commission, 30 days to review the results of such lease sale, except that the Attorney General, after consultation with the Federal Trade Commission, may agree to a shorter review period.

• *Delivery of Leases:* BOEM will send three lease copies to each winner, with instructions on how to execute the leases. The first 6-months of the first year's rent payment is due 45 days after the winner receives the lease copies for execution.

• *Return the Leases:* The auction winners will have 10 business days from receiving the lease copies in which to file financial assurance, pay any outstanding balance of their bonus bids, and return the three executed lease copies.

• *Execution of Leases:* Once BOEM has received the signed lease copies and verified that all required materials have been received, BOEM will make a final determination regarding its execution of the leases and will execute the leases if appropriate.

Financial Terms and Conditions: This section provides an overview of the basic annual payments required of a Lessee that will be fully described in each lease.

Rent

The first year's rent payment of $3 per acre for the entire lease area will be separated into two 6-month payments. The first 6-month payment is due within 45 days of the date the Lessee receives the lease for execution. The second 6-month payment is due by the first day of the seventh month after the Effective Date of the lease. Thereafter, annual rent payments are due on the anniversary of the Effective Date of the lease, i.e., the Lease Anniversary. Once the first commercial operations under the lease begin, rent will be charged on the remaining part of the lease not authorized for commercial operations, i.e., not generating electricity. However, instead of geographically dividing the lease area into acreage that is ''generating'' and acreage that is ''non-generating,'' the fraction of the lease accruing rent is based on the fraction of the total nameplate capacity of the project that is not yet in operation. The

fraction is the nameplate capacity (as defined herein) at the time payment is due, which is not yet authorized for commercial operations, divided by the maximum nameplate capacity after full installation of the project, as defined in the COP. This fraction is then multiplied by the amount of rent that would be due for the Lessee's entire leased area at the rental rate of $3 per acre to obtain the annual rent due for a given year.

For example, for a lease the size of 79,707 acres (the size of the entire Maryland WEA), the amount of rent payment will be $239,121 per year if no portion of the leased area is authorized for commercial operations. If 500 megawatts (MW) of a project's nameplate capacity is operating (or authorized for operation), and its most recent approved COP specifies a maximum nameplate capacity of 1000 MW, the rent payment would be $119,560.50.

The Lessee also must pay rent for any project easement associated with the lease commencing on the date that BOEM approves the COP (or COP modification) that describes the project easement. Annual rent for a project easement 200-feet wide and centered on the transmission cable is $70.00 per statute mile. For any additional acreage required, the Lessee must also pay the greater of $5.00 per acre per year or $450.00 per year.

Operating Fee

The annual operating fee reflects a 2% operating fee rate applied to a proxy for the wholesale market value of electricity production. The initial payment is prorated to reflect the period between the start of commercial operations and the Lease Anniversary and is due within 45 days of the start of commercial operations; thereafter, subsequent annual operating fee payments are due on or before each Lease Anniversary. The annual operating fee payment is calculated by multiplying an operating fee rate by the imputed wholesale market value of the projected annual electric power production. For the purposes of this calculation, the imputed market value is the product of the project's annual nameplate capacity, the total number of hours in the year (8,760), a capacity utilization factor, and the annual average price of electricity derived from a historical regional wholesale power price index.

Operating Fee Rate: The operating fee rate is set at 0.02 (i.e., 2%) during the entire life of commercial operations.

Nameplate Capacity: Nameplate capacity is the maximum rated electric output, expressed in MW, which the turbines of the wind facility under commercial operations can produce at their rated wind speed as designated by the turbine's manufacturer. The nameplate capacity at the start of each year of commercial operations on the lease will be specified in the COP. For example, if a Lessee has 20 turbines under commercial operations rated by the design manufacturer at 5 MW of output each, the nameplate capacity of the wind facility at the rated wind speed of the turbines would be 100 MW.

Capacity Factor: Capacity factor represents the share of anticipated generation of the wind facility that is delivered to the interconnection grid (i.e., where the Lessee's facility interconnects with the electric grid) relative to the wind facility's generation at continuous full power operation at nameplate capacity, expressed as a decimal between zero and one. The capacity factor for the year in which the Commercial Operation Date occurs and for the first six full years of commercial operations on the lease is set to 0.4 (i.e., 40%) to allow for one year of installation and testing followed by five years at full availability. At the end of the sixth year, the capacity factor may be adjusted to reflect the performance over the previous five years based upon the actual metered electricity generation at the delivery point to the electrical grid. Similar adjustments to the capacity factor may be made once every five years thereafter. The maximum change in the capacity factor from one period to the next will be limited to plus or minus 10 percent of the previous period's value.

Wholesale Power Price Index: The wholesale power price, expressed in dollars per MW-hour, is determined at the time each annual operating fee payment is due, based on the weighted average of the inflation-adjusted peak and off-peak spot price indices for the Northeast—PJM West power market for the most recent year of data available as reported by the Federal Energy Regulatory Commission (FERC) as part of its annual *State of the Markets Report* with specific reference to the summary entitled, ''Electric Market Overview: Regional Spot Prices.'' The wholesale power price is adjusted for inflation from the year associated with the published spot price indices to the year in which the operating fee is to be due based on the Lease Anniversary using annual implicit price deflators as reported by the U.S. Department of Commerce, Bureau of Economic Analysis.

Financial Assurance

Within 10 business days after receiving the lease copies, the provisional winner must provide an initial lease-specific bond or other approved means of meeting the Lessor's initial financial assurance requirements, in the amount of $100,000. BOEM will base the amount of all SAP, COP, and decommissioning financial assurance requirements on estimates of cost to meet all accrued lease obligations. The amount of supplemental and decommissioning financial assurance requirements will be determined on a case-by-case basis.

The financial terms can be found in Addendum ''B'' of the proposed leases, which BOEM has made available with this notice on its Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Maryland.aspx.*

Place And Time: The auction will be held online. The time that the auction will be held will be published in the FSN. The date has not been finalized, but will be no earlier than 30 days after publication of the FSN in the **Federal Register**.

Public Seminar: BOEM will host a public seminar to introduce potential bidders and other stakeholders to the auction format provided in the PSN, explain the auction rules, and demonstrate the auction process. The time and place of the seminar will be announced by BOEM and published on the BOEM Web site. No registration or RSVP will be required to attend.

Mock Auction: BOEM will host a Mock Auction to educate qualified bidders about the procedures to be employed during the auction and to answer questions. The Mock Auction will take place between the publication of the FSN in the **Federal Register** and the date of the auction. Following publication of the FSN in the **Federal Register**, details of the Mock Auction will be distributed to those eligible to participate in the auction. All qualified bidders that intend to participate in the auction are strongly encouraged to participate in the Mock Auction. Bidders will be eligible to participate in the Mock Auction if they have been legally, technically and financially qualified to participate in the lease sale, and have submitted an adequate bid deposit as discussed herein.

Bid Deposit: A bid deposit is an advance cash deposit submitted to BOEM in order to participate in the auction. No later than the deadline provided in the FSN, each bidder must have submitted a bid deposit of $450,000 per unit of desired initial eligibility. Each lease is worth one unit

of bid eligibility in the auction. The required bid deposit for any participant intending to bid on both leases in the first round of the auction will be $900,000. Any participant intending to bid on only one of the leases during the auction must submit a bid deposit of $450,000. Any bidder that fails to submit the bid deposit by the deadline described in the FSN may be disqualified from participating in the auction. Bid deposits will be accepted online via *pay.gov.* Following publication of the FSN, each bidder must fill out the BFF included in the FSN. BOEM has made a copy of the proposed BFF available with this notice on its Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Maryland.* This form requests that each bidder designate an email address, which the bidder should use to create an account in *pay.gov.* After establishing the *pay.gov* account, bidders may use the Bid Deposit Form on the *pay.gov* Web site to leave a deposit.

Following the auction, bid deposits will be applied against any bonus bids or other obligations owed to BOEM. If the bid deposit exceeds the bidder's total financial obligation, the balance of the bid deposit will be refunded to the bidder. BOEM will refund bid deposits to unsuccessful bidders.

Minimum Bid: In this auction, approximately 32,737 acres will be offered for sale as Lease OCS–A 0489, and approximately 46,970 acres will be offered for sale as Lease OCS–A 0490. BOEM proposes for this lease sale a minimum bid of $2 per acre for each lease area. Therefore, the minimum acceptable bid will be $65,474 for Lease OCS–A 0489, and $93,940 for Lease OCS–A 0490.

Area Offered For Leasing: The area described for leasing in this PSN is the same as the area included in the Maryland Call (77 FR 5552, Feb. 3, 2012). The area proposed to be available for sale will be auctioned as two leases, Lease OCS–A 0489 [North Lease Area (North LA)] and Lease OCS–A 0490 [South Lease Area (South LA)]. The North LA consists of 32,737 acres and the South LA consists of 46,970 acres. The total area is approximately 79,707 acres. If there are adequate bids, two leases will be issued pursuant to this lease sale. A description of the lease areas can be found in Addendum ''A'' of the proposed leases, which BOEM has made available with this notice on its Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Maryland.aspx.*

Map of the Area Offered for Leasing

A map of the North and South LAs and a table of the boundary coordinates in X, Y (eastings, northings) UTM Zone 18, NAD83 Datum and geographic X, Y (longitude, latitude), NAD83 Datum can be found at the following URL: *http://boem.gov/Renewable-Energy-Program/State-Activities/Maryland.aspx.*

A large scale map of these areas showing boundaries of the area with numbered blocks is available from BOEM at the following address: Bureau of Ocean Energy Management, Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170, Phone: (703) 787–1320, Fax: (703) 787–1708.

Delineation of the Leasing Areas

BOEM commissioned the Department of Energy's National Renewable Energy Laboratory (NREL) to conduct an analysis to inform BOEM's identification and delineation of leasing areas within the Maryland WEA prior to identifying areas to propose for leasing in the PSN. NREL's final report for the Maryland WEA, ''Assessment of Offshore Wind Energy Leasing Areas for the BOEM Maryland Wind Energy Area,'' was released on June 26, 2013, and is available on BOEM's Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Maryland.aspx.*

BOEM delineated the WEA so that the South LA is slightly larger than the North LA, utilizing the results of the NREL report to inform the identification of these LAs. This delineation serves two purposes. First, it helps to offset technological challenges to development caused by deeper waters in the southeastern portion of the South LA, an issue emphasized in NREL's final report. Second, it helps to offset certain restrictions to development in the South LA that BOEM may impose in the future, if necessary, to alleviate navigational safety concerns. BOEM believes it would be preferable to give each lessee equal footing to help prevent one lessee from being unduly burdened by any future development restrictions, which are known to be more likely in the South LA.

Potential Future Restrictions To Ensure Navigational Safety

Potential bidders should note that portions of certain sub-blocks in both the North and South LAs may not be available for future development (i.e., installation of wind facilities) due to navigational safety concerns, as discussed below.

Proximity to Delaware Bay Traffic Separation Scheme

During discussions with the Maryland Intergovernmental Task Force on June 24, 2011, the U.S. Coast Guard (USCG) recommended that BOEM not approve the installation of wind facilities within 1 nautical mile of a TSS to help ensure navigational safety. This recommendation was reiterated at subsequent Task Force meetings. Moreover, the USCG has expressed that they may determine in the future that a larger setback is necessary under certain circumstances. Tables 1 and 2 list potentially affected blocks and assume a 1 nautical mile setback from an extended Delaware Bay TSS. Maps identifying these sub-blocks are available on BOEM's Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Maryland.aspx.*

TABLE 1—NORTH LEASING AREA: BLOCKS WITH POTENTIAL RESTRICTIONS

Protraction name	Protraction No.	Block No.	Sub Block
Salisbury	NJ18–05	6624	D,H
Salisbury	NJ18–05	6625	E,I,N
Salisbury	NJ18–05	6675	B,C,G,H,L,P
Salisbury	NJ18–05	6676	M
Salisbury	NJ18–05	6726	A,B,F

TABLE 2—SOUTH LEASING AREA: BLOCKS WITH POTENTIAL RESTRICTIONS

Protraction name	Protraction No.	Block No.	Sub Block
Salisbury	NJ18–05	6726	J,K,O,P

TABLE 2—SOUTH LEASING AREA: BLOCKS WITH POTENTIAL RESTRICTIONS—Continued

Protraction name	Protraction No.	Block No.	Sub Block
Salisbury	NJ18–05	6776	D,H
Salisbury	NJ18–05	6777	E,I,J,N
Salisbury	NJ18–05	6827	C,G,H,L
Salisbury	NJ18–05	6828	M

Traditional Tug, Towing, and Barge Traffic Route

On April 22, 2013, BOEM received a letter from the USCG providing analysis of tug, towing, and barge traffic that currently transits through the MD WEA. The letter discussed potential safety implications of allowing offshore wind development in the area, particularly in the southeastern corner of the WEA, and requested that BOEM consider including two smaller LA configurations in this PSN. This letter can be found on BOEM's Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Maryland.aspx.*

BOEM gathered input regarding the area to include in this PSN from the members of BOEM's Maryland Intergovernmental Task Force during a Task Force webinar held on June 27, 2013, and received additional comments and correspondence from relevant stakeholders since that time. This includes correspondence received on August 29, 2013, from the American Waterways Operators (AWO), an organization representing the U.S. tugboat, towboat, and barge industry. In its August letter, AWO expressed concern with the Maryland WEA and its potential to disrupt traditional transit routes through the southeastern corner of the WEA. AWO stated that if full build-out were to occur in the Maryland WEA, this development could cause tugboats to navigate further east or west from their current north-south routes, which, in certain weather conditions, could put these vessels at greater risk and jeopardize safe transit due to different sea state conditions farther offshore and greater congestion closer inshore. This letter can be found on BOEM's Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Maryland.aspx.*

In a letter to BOEM dated September 4, 2013, the Business Network for Maryland Offshore Wind requested that BOEM refrain from making any reductions to the Maryland WEA prior to leasing. They provide responses to the points in USCG's April 22, 2013, letter and suggest that reducing the area now prior to receipt of a COP and an associated navigational risk assessment would be premature. The letter suggests that any reduction of the area due to potential navigational safety risk and any associated costs of rerouting traffic would be best addressed during review of each lessee's COP in the context of a comprehensive Environmental Impact Statement (EIS).

After considering the issues raised by the USCG and other relevant parties and evaluating all information available to date pertaining to tug, towing, and barge traffic through the Maryland WEA, BOEM has decided not to reduce the size of the MD WEA in this PSN. BOEM will receive additional vessel traffic data and analysis in the future, which will better inform a decision regarding site-specific restrictions or mitigations to alleviate navigational concerns. Additional information that BOEM expects to have available to inform its decision would include the final navigational safety risk assessment that will be submitted with each lessee's COP, and the results of two ongoing studies: 1) the U.S. Coast Guard's Atlantic Coast Port Access Route Study (ACPARS), and 2) a BOEM-funded study, ''Marine Vessel Traffic and Wind Energy Development Infrastructure on the OCS—Risk Analysis,'' being conducted by the Department of Energy's Pacific Northwest National Laboratory (PNNL).

BOEM welcomes comments on navigational safety during this notice's comment period and will consider all comments received prior to publishing a Final Sale Notice and holding a sale.

Withdrawal of Blocks: BOEM reserves the right to withdraw areas from this lease sale prior to its execution of a lease.

Lease Terms and Conditions: BOEM has included proposed lease terms, conditions and stipulations for OCS commercial wind leases in the Maryland WEA in Addendum ''C'' of the proposed leases. BOEM reserves the right to add additional terms and conditions to any approval or approval with modifications of a SAP and/or COP. The proposed leases, including Addendum ''C'', are available on BOEM's Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Maryland.aspx.* Each proposed lease includes the following six attachments:

- Addendum ''A'' (Description of Leased Area and Lease Activities);
- Addendum ''B'' (Lease Term and Financial Schedule);
- Addendum ''C'' (Lease Specific Terms, Conditions, and Stipulations);
- Addendum ''D'' (Project Easement);
- Addendum ''E'' (Rent Schedule);
- Appendix A to Addendum ''C'': (Incident Report: Protected Species Injury or Mortality).
- Appendix B to Addendum ''C'': (Required Data Elements for Protected Species Observer Reports).

Addenda ''A'', ''B'', and ''C'' provide detailed descriptions of lease terms and conditions. Addenda ''D'' and ''E'' will be completed at the time of COP approval.

After considering comments on the PSN and these proposed provisions, BOEM will publish final lease terms and conditions in the FSN.

Plans

Pursuant to 30 CFR 585.601, the leaseholder must submit a SAP within 6 months of lease issuance. If the leaseholder intends to continue its commercial lease with an operations term, the leaseholder must submit a COP at least 6 months before the end of the site assessment term.

Qualifications—Who May Bid: Any potential bidder that has not already submitted a complete set of qualifications materials must do so by the end of the 60-day comment period of this PSN. To be eligible to participate in the auction, each potential bidder must have been found by BOEM to be legally, technically and financially qualified under BOEM's regulations at 30 CFR 585.106–107 by the time the FSN for this sale is published. Please note that technical and financial qualifications are lease-specific; it is not sufficient to have been technically and financially qualified to pursue a project offshore another state.

Guidance and examples of the appropriate documentation demonstrating the required legal qualifications can be found in Chapter 2 and Appendix B of *Guidelines for the Minerals Management Service Renewable Energy Framework,* available on BOEM's Web site at: *http://www.boem.gov/Renewable-Energy-*

Program/Regulatory-Information/Index.aspx. Guidance regarding how bidders may demonstrate their technical and financial qualifications is provided in *Qualification Guidelines to Acquire and Hold Renewable Energy Leases and Grants and Alternate Use Grants on the U.S. Outer Continental Shelf,* available on BOEM's Web site at: *http://boem.gov/Renewable-Energy-Program/Regulatory-Information/QualificationGuidelines-pdf.aspx*. BOEM strongly recommends that bidders refer to this guidance before submitting their qualification materials, as the guidance is updated periodically.

Bidders must submit documentation necessary to demonstrate their legal, technical, and financial qualifications to BOEM in both paper and electronic formats. BOEM considers an Adobe PDF file stored on a compact disc (CD) to be an acceptable format for submitting an electronic copy. In their qualification materials, bidders must provide a general description of the project that they would like to construct on the lease area sought in this sale, including estimates of the project area and total nameplate capacity of the proposed facilities.

Please note that it may take a number of weeks for bidders to establish their legal, technical, and financial qualifications. BOEM advises potential bidders planning to participate in a sale to establish their qualifications promptly. It is not uncommon for BOEM to request additional materials establishing qualifications following an initial review of the qualifications package. Any potential bidder whose qualification package is incomplete at the time the FSN for this sale is published in the **Federal Register** will be found to have failed to establish its qualifications and will be unable to participate in the sale.

Finally, potentially interested parties should note that BOEM has the discretion to contract one or both LAs based upon comments received in response to this notice and other relevant information provided to the bureau. If a potential bidder is interested in leasing either or both LAs, whether full or partial, then that party should submit their qualifications package during the comment period of this PSN.

Auction Procedures

Summary

For the sale of Lease OCS–A 0489 and Lease OCS–A 0490, BOEM will use a multiple-factor auction format with a multiple-factor bidding system. Under this system, BOEM may consider a combination of monetary and nonmonetary factors, or ''variables,'' in determining the outcome of the auction. BOEM will appoint a panel of three BOEM employees for the purposes of reviewing the non-monetary packages and verifying the results of the lease sale. BOEM reserves the right to change the composition of this panel prior to the date of the lease sale. The panel will determine whether any bidder has earned a non-monetary credit to be used during the auction (i.e., if a bidder holds a Power Purchase Agreement (PPA) or a Maryland Public Service Commission (PSC)-issued Offshore Renewable Energy Certificate (OREC) Order, as defined herein), and if one or more bidders have earned such a credit, the percentage that the credit will be worth. The auction will balance consideration of two variables: (1) a cash bid, and (2) a non-monetary credit. In sum, these two variables comprise the multi-factor bid or ''As-Bid'' auction price. A bidder's As-Bid price, which is the sum of its cash bid and any credit portion earned, will either meet BOEM's asking price or be reflected in the bidder's own Intra-Round Bid price subject to certain conditions, as described more fully herein. A multiple-factor auction, wherein both monetary and nonmonetary bid variables are considered, is allowed under BOEM's regulations at 30 CFR 585.220(a)(4) and 585.221(a)(6).

Overview of the Multiple-Factor Bidding Format Proposed for This Sale

Under a multiple-factor bidding format, as set forth at 30 CFR 585.220(a)(4), BOEM may consider many factors as part of a bid. The regulations state that one bid proposal per bidder will be accepted, but do not further specify the procedures to be followed in the multiple-factor format. This multiple-factor format is intended to allow BOEM flexibility in administering the auction and in balancing the variables presented. The regulations leave to BOEM the determination of how to administer the multiple-factor auction format to ensure the receipt of a fair return under the Act, 43 U.S.C. 1337(p)(2)(A).

BOEM's regulations at 30 CFR 585.220(a)(4) allow for a multi-round auction in which each bidder may submit only one proposal per LA or for a set of LAs in each round of the auction. The auction will be conducted in a series of rounds. At the start of each round, BOEM will state an asking price for the North LA and an asking price for the South LA. The asking price for a bid on both LAs is the sum of the asking prices for the North LA and the South LA. Each bidder will indicate whether it is willing to meet the asking price for one or both LAs. A bid submitted at the full asking price for one or both LAs in a particular round is referred to as a ''live bid.'' A bidder must submit a live bid for at least one of the LAs in each round to participate in the next round of the auction. As long as there is at least one LA that is included in two or more live bids, the auction continues, and the next round is held.

A bidder's As-Bid price must meet the asking price in order for it to be considered a live bid. A bidder may meet the asking price by submitting a monetary bid equal to the asking price, or, if it has earned a credit, by submitting a multiple-factor bid—that is, a live bid that consists of a monetary element and a non-monetary element, the sum of which equals the asking price. A multiple-factor bid would consist of the sum of a cash portion and any credit portion which the bidder has earned.

An uncontested bid is a live bid that does not overlap with other live bids in that round. For example, a bid for both the North and the South LAs is considered contested if any LA included in that bid is included in another bid—a bid cannot be ''partially uncontested.'' An uncontested bid represents the only apparent interest in that bid's LA(s) at the asking price for that round. If a bidder submits an uncontested bid consisting of one LA, and the auction continues for another round, BOEM automatically carries that same live bid forward as a live bid into the next round, and BOEM's asking price for the LA contained in the uncontested bid would remain unchanged from the previous round. If the price on the LA in that bid rises later in the auction because another bidder places a live bid on that LA, BOEM will stop automatically carrying forward the previously uncontested bid. Once the asking price goes up, the bidder that placed the previously carried-forward bid is free to bid on either lease area at the new asking prices.

Following each round in which either LA is contained in more than one live bid, BOEM will raise the asking price for that LA by an increment determined by BOEM. The auction concludes when neither the North LA nor the South LA is included in more than one live bid. The series of rounds and the rising asking prices set by BOEM will facilitate consideration of the first variable—the cash portion of the bid.

The second variable—a credit of up to 25% of a monetary bid for holding a PPA or a Maryland OREC Order—will be applied throughout the auction

rounds as a form of imputed payment against the asking price for the highest priced LA in a bidder's multiple-factor bid. This credit serves to supplement the amount of a cash bid proposal made by a particular bidder in each round. A bidder holding a qualified PPA or OREC Order will receive a credit of up to 25%. In the case of a bidder holding a credit and bidding on more than one LA, the credit will be applied only on the LA with the highest asking price. More details on the non-monetary factors are found in the ''Credit Factors'' section herein.

The panel will evaluate non-monetary packages consisting of any purported PPA or qualified OREC Order to determine whether it meets the criteria provided in the FSN, and therefore whether it will qualify for a credit for its holder. It is possible that the panel could determine that no bidder qualifies for a non-monetary credit during the auction, in which case the auction would otherwise proceed as described in the FSN. The panel will determine the winning bids for each LA on the basis of the procedures described in the FSN.

Details of the Auction Process

Bidding—Live Bids

Each bidder is allowed to submit a live bid for one LA (North or South), or both LAs based on its ''eligibility'' at the opening of each round. A bidder's eligibility is either two, one, or zero LAs, and it corresponds to the maximum number of LAs that a bidder may include in a live bid during a single round of the auction. A bidder's initial eligibility is determined based on the amount of the bid deposit submitted by the bidder prior to the auction. To be eligible to offer a bid on one LA at the start of the auction, a bidder must submit a bid deposit of $450,000. To be eligible to offer a bid on both the North and South LAs in the first round of the auction, the bidder must submit a bid deposit of $900,000. A bidder's bid deposit will be used by BOEM as a down payment on any monetary obligations incurred by the bidder should it be awarded a lease.

As the auction proceeds, a bidder's eligibility is determined by the number of LAs included in its live bid submitted in the round prior to the current round. That is, if a bidder submitted a live bid on one LA in the previous round, that bidder may submit a bid that includes at most one LA in the current round. If a bidder submitted a live bid comprised of both LAs in the previous round, that bidder may submit a live bid that also includes these two LAs in the current round. In both cases, unless a bidder has an uncontested bid that is carried forward into the next round, the bidder also may choose to submit a live bid with fewer LAs than the maximum number it is eligible to include in its bid. Thus, eligibility in successive rounds may stay the same or go down, but it can never go up.

In the first round of the auction, bidders have the following options: A bidder with an initial eligibility of one (that is, a bidder who submitted a bid deposit of $450,000) may:

- Submit a live bid on the North LA or the South LA, or
- Submit nothing, and drop out of the auction.

A bidder with an initial eligibility of two (that is, a bidder who submitted a bid deposit of $900,000) may:

- Submit a live bid for both the North and South LAs,
- Submit a live bid for either the North LA or the South LA, or
- Submit nothing, and drop out of the auction.

Before each subsequent round of the auction, BOEM will raise the asking price for any LA that was contained in more than one live bid in the previous round. BOEM will not raise the asking price for a LA that was in only one or no live bids in the previous round.

Asking price increments will be determined by BOEM, in its sole discretion. BOEM will base asking price increments on a number of factors, including:

- Making the increments sufficiently large that the auction will not take an unduly long time to conclude; and
- Decreasing the increments as the asking price of a LA nears its apparent final price.

BOEM reserves the right during the auction to increase or decrease increments if it determines, in its sole discretion, that a different increment is warranted to enhance the efficiency of the auction process. Asking prices for the LAs included in multiple live bids in the previous round will be raised and rounded to the nearest whole dollar amount to obtain the asking prices in the current round.

A bidder must submit a live bid in each round of the auction (or have an uncontested live bid automatically carried forward by BOEM) for it to remain active and continue bidding in future rounds. All of the live bids submitted in any round of the auction will be preserved and considered binding until determination of the winning bids is made. Therefore, the bidders are responsible for payment of the bids they submit and can be held accountable for up to the maximum amount of those bids determined to be winning bids during the final award procedures.

Between rounds, BOEM will release the following information:

- The level of demand for each LA in the previous round of the auction (i.e., the number of live bids that included the LA); and
- The asking price for each LA in the upcoming round of the auction.

In any subsequent round of the auction, if a bidder's previous round bid was uncontested, and the auction continues for another round, then BOEM will automatically carry forward that bid as a live bid in the next round. A bidder whose bid is being carried forward will not have an opportunity to modify or drop its bid until some other bidder submits a live bid that overlaps with the LA in the carried forward bid. In particular, for rounds in which a bidder finds its uncontested bid is carried forward, the bidder will be unable to do the following:

- Switch to the other LA;
- Submit an Intra-Round Bid (see herein for discussion of Intra-Round Bids); or
- Drop out of the auction.

A bidder may be bound by that bid or, indeed, by any other bid which BOEM determines is a winning bid in the award stage. Hence, a bidder cannot drop an uncontested bid. In no scenario can a bidder be relieved of any of its bids from previous or future rounds until a determination is made in the award stage about the LAs won by the bidder.

If a bidder's bid is not being carried forward by BOEM, a bidder with an eligibility of one (that is, a bidder who submitted a live bid for either the North LA or the South LA in the previous round) may:

- Submit a live bid for either the North LA or the South LA;
- Submit an Intra-Round Bid for the same LA for which the bidder submitted a live in the previous round, and exit the auction; or
- Submit nothing, and drop out of the auction.

A bidder with an eligibility of two (that is, a bidder who submitted a live bid for both North and South in the previous round) may:

- Submit a live bid for both the North and South LAs;
- Submit a live bid for either the North LA or the South LA;
- Submit an Intra-Round Bid for both the North and South LAs, and a live bid for either the North LA or the South LA;
- Submit an Intra-Round Bid for both the North and South LAs, no live bids, and exit the auction; or

• Submit nothing, and drop out of the auction.

Subsequent auction rounds occur in this sale as long as either the North LA or the South LA is contested. The auction concludes at the end of the round in which neither the North LA nor the South LA is included in the live bid of more than one bidder, i.e., all live bids are uncontested.

Bidding—Intra-Round Bids

All asking prices and asking price increments will be determined by the BOEM Auction Manager. Intra-round bidding allows bidders to more precisely express the maximum price they are willing to offer for the North, South, or both LAs while also minimizing the chance of ties. An intra-round bid must consist of a single offer price for exactly the same LA(s) included in the bidder's live bid in the previous round.

When submitting an intra-round bid, the bidder is indicating that it is not willing to meet the current round's asking price, but it is willing to pay more than the previous round's asking price. In particular, in an intra-round bid, the bidder specifies the maximum (higher than the previous round's asking price and less than the current round's asking price) that it is willing to offer for the specific LA(s) in its previous round's live bid.

Although an intra-round bid is *not* a live bid, in the round in which a valid intra-round bid is submitted for both LAs, the bidder's eligibility for a live bid in that same round and future rounds is permanently reduced from including two LAs to one LA. In other words, once an intra-round bid is submitted, the bidder will never again have the opportunity to submit a live bid on as many LAs as it has bid in previous rounds.

BOEM will not consider intra-round bids for the purpose of determining whether to increase the asking price for a particular LA or to end the auction. Also, BOEM will not count or share with bidders between rounds the number of intra-round bids received for each LA.

All of the intra-round bids submitted during the auction will be preserved, and may be determined to be winning bids. Therefore, bidders are responsible for payment of the bids they submit and may be held accountable for up to the maximum amount of any intra-round bids or live bids determined to be winning bids during the final award procedures.

Determining Provisional Winners

After the bidding ends, BOEM will determine the provisionally winning bids in accordance with the process described in this section. This process consists of two stages: Stage 1 and Stage 2, which are described herein. Once the auction itself ends, nothing further is required of bidders within or between Stages 1 and 2. In practice, the stages of the process will take place as part of the solution algorithm for analyzing the monetary and credit portion of the bids, determining provisional winners, finding the LAs won by the provisional winners, and calculating the applicable bid prices to be paid by the winners for the LAs they won. This evaluation will be reviewed, checked and validated by the panel. The determination of provisional winners, in both stages, will be based on the two auction variables, as well as on a bidder's adherence to the rules of the auction, and the absence of conduct detrimental to the integrity of the competitive auction.

• Stage 1

Live bids submitted in the final round of the auction are Qualified Bids. In Stage 1, a bidder with a Qualified Bid is provisionally assured of winning the LA(s) included in its final round bid, regardless of any other prior-to-final round live bids or Intra-Round Bids in any round. If both LAs are awarded to bidders in Stage 1, the second award stage is not necessary. If the North LA or the South LA received a bid but was not awarded in Stage 1 because no live bids were received in the final round of the auction, BOEM will proceed to Stage 2 to award the leases.

Following the auction, all winning bidders must pay the price associated with their winning bids, which may consist of cash and non-monetary credits or just cash.

• Stage 2

All bids are either Qualified Bids or Contingent Bids. Contingent bids are all live bids received before the final round, and any Intra-Round Bids received during the auction. In Stage 2, BOEM will consider Contingent Bids to see if the unawarded LA(s) can be awarded without interfering with Stage 1 awards. BOEM will award leases in Stage 2 to the bid(s) that maximize(s) the total As-Bid prices.

Any Contingent Bids that conflict with Qualified Bids will not be considered. There is one notable exception to this rule. This exception allows BOEM to accept a Contingent Bid for both LAs notwithstanding the existence of a Qualified Bid by the same bidder, provided the acceptance of the Contingent Bid for both LAs results in higher overall As-Bid prices than acceptance of only the Qualified Bid for a single LA.

In this scenario, a bidder would be awarded both LAs and would be required to pay its Intra-Round Bid price associated with its Intra-Round Bid for both LAs, even though it submitted a Qualified Bid that guaranteed only one of the LAs.

This exception represents the only situation in which BOEM will consider for award a Contingent Bid which overlaps a Qualified Bid. In contrast, there is no situation in which one bidder's Contingent Bid will be considered for award if it overlaps with any LA that is included in another bidder's Qualified Bid.

Under certain circumstances, different combinations of contingent bids may result in the same total As-Bid price. In such cases, BOEM will resolve the resulting tie with a random drawing.

In the event a bidder submits a bid for a LA that the panel and BOEM determine to be a winning bid, the bidder will be expected to sign the applicable lease documents in a timely manner and submit the full cash payment due, pursuant to 30 CFR 585.224. If a bidder fails to timely sign and pay for the lease, then BOEM will not issue the lease to that bidder, and the bidder will forfeit its bid deposit. BOEM may consider failure of a bidder to timely pay the full amount due an indication that the bidder is no longer financially qualified to participate in other lease sales under BOEM's regulations at 30 CFR 585.106 and 585.107.

Credit Factors

Prior to the auction, BOEM will convene a panel to evaluate bidders' non-monetary packages to determine whether and to what extent each bidder is eligible for a non-monetary credit applicable to the As-Bid auction price for one of the LAs in each round of the auction, as described herein. Any single PPA or Maryland OREC Order cannot be used by more than one bidder in the auction.

The percentage credit is determined based on the panel's evaluation of required documentation submitted by the bidders as of the deadline specified in the FSN. Bidders will be informed by email before the monetary auction about the percentage credit applicable to their bids. The bid credit will be applicable to only one LA. Any non-monetary credit would only be applicable to the higher priced LA in a bid for both LAs. For an Intra-Round Bid containing both

LAs, the higher priced LA will be determined using the previous round's asking prices. In each round, the auction system will display information showing how their As-Bid auction prices are affected by the credit imputed to their bid to determine their net monetary payment due to BOEM, should their bids prevail as winning bids in the award stages. Application of the credit percentage to the appropriate As-Bid auction price will be rounded to the nearest whole dollar amount.

The bidder's imputed credit throughout the auction and award process is limited to the greater of 25% for a Maryland OREC Order, or up to 25% for a PPA (for at least 250 MW), applied to the highest priced LA related to the bidder's latest live bid or Intra-Round Bid. During each round, bidders are informed by the BOEM Auction System how the credit applies to their live bid and any Intra-Round Bid. In the case of an Intra-Round Bid for both LAs, the credit will apply only to the higher-priced LA, but the applicable price for calculating the credit will be based on the previous round's asking prices, not on any additional amount above the previous round's asking prices as reflected in the incremental amount associated with its Intra-Round Bid.

The panel will review the non-monetary package submitted by each bidder, and determine whether bidders have established that they are qualified to receive a credit, and the percentage at which that credit will apply, based on the definitional information of a PPA and an OREC application, as described herein. If the panel determines that no bidder has qualified for a non-monetary factor, the auction will proceed with each bidder registered with no imputed credit.

Credit Factor Definitions

The definitions herein will apply to the factors for which bidders may earn a credit.

Power purchase agreement (PPA) is any legally enforceable long-term contract negotiated between an electricity generator (Generator) and a power purchaser (Buyer) that identifies, defines, and stipulates the rights and obligations of one party to produce, and the other party to purchase, energy from an offshore wind project to be located in the lease sale area. The PPA must have been approved by a public utility commission or similar legal authority. The PPA must state that the Generator will sell to the Buyer and the Buyer will buy from the Generator capacity, energy, and/or environmental attribute products from the project, as defined in the terms and conditions set forth in the PPA. Energy products to be supplied by the Generator and the details of the firm cost recovery mechanism approved by the state's public utility commission or other applicable authority used to recover expenditures incurred as a result of the PPA must be specified in the PPA. To qualify, a PPA must contain the following terms or supporting documentation:

(i) A complete description of the proposed project;

(ii) Identification of both the electricity Generator and Buyer that will enter into a long term contract;

(iii) A time line for permitting, licensing, and construction;

(iv) Pricing projected under the long term contract being sought, including prices for all market products that would be sold under the proposed long term contract;

(v) A schedule of quantities of each product to be delivered and projected electrical energy production profiles;

(vi) The term for the long-term contract;

(vii) Citations to all filings related to the PPA that have been made with state and Federal agencies, and identification of all such filings that are necessary to be made; and

(viii) Copies of or citations to interconnection filings related to the PPA.

If the panel determines a bidder has executed a PPA for at least 250 MW, it will be eligible for the entire 25% credit. If the panel determines a bidder has executed a PPA for an amount less than 250 MW, the bidder may still be eligible for a non-monetary credit proportional to the PPA's fraction of 250 MW. The smaller percentage for a partial credit will be calculated according to the formula below:

$$\text{Partial Credit} = \frac{(\text{Full Credit} * \text{Partial PPA})}{\text{Full PPA}}$$

Where:

- Partial Credit = Percent credit for which a smaller PPA is eligible.
- Full PPA = 250 MW
- Full Credit = 25%
- Partial PPA = amount (less than 250 MW) of power under contract

Maryland OREC Order is an order issued by the Maryland PSC approving a qualifying offshore wind project and establishing an OREC pricing schedule, pursuant to Md. Public Utilities Code Ann. § 7–704.1.

Additional Information Regarding the Auction Format

Non-Monetary Auction Procedures

All bidders seeking a non-monetary auction credit will be required to submit a non-monetary auction package prior to the auction. Instructions and deadlines for submittal will be provided in the FSN. If a bidder does not submit a non-monetary package by the date specified in the FSN, then BOEM will assume that bidder is not seeking a non-monetary auction credit and the panel will not consider that bidder for a non-monetary auction credit.

Bidder Authentication

Prior to the auction, the Auction Manager will send several bidder authentication packages to each bidder shortly after BOEM has processed the BFFs. One package will contain tokens for each authorized individual. Tokens are digital authentication devices. The tokens will be mailed to the Primary Point of Contact indicated on the BFF. This individual is responsible for distributing the tokens to the individuals authorized to bid for that company. Bidders are to ensure that each token is returned within three business days following the auction. An addressed, stamped envelope will be provided to facilitate this process. In the event that a bidder fails to submit a BFF, a bid deposit, or does not participate in the auction, BOEM will de-activate that bidder's token and login information, and the bidder will be asked to return its tokens.

The second package contains login credentials for authorized bidders. The login credentials will be mailed to the address provided in the BFF for each authorized individual. Bidders can confirm these addresses by calling 703–787–1320. This package will contain user login information and instructions for accessing the Auction System Technical Supplement and Alternative Bidding Form. The login information, along with the tokens, will be tested during the Mock Auction.

Monetary Auction Times

This information will be elaborated on in the FSN and further clarified at the Mock Auction to be held prior to the lease sale. Additional information will be made available in an Auction System Technical Supplement, which will be posted on BOEM's Web site prior to the auction.

BOEM and the auction contractors will use the auction platform messaging service to keep bidders informed on issues of interest during the auction. For example, BOEM may change the schedule at any time, including during the auction. If BOEM changes the schedule during the auction, it will use the messaging feature to notify bidders that a revision has been made, and direct bidders to the relevant page. BOEM will also use the messaging system for other changes and items of particular note during the auction. The auction schedule and asking price increments are in BOEM's discretion, and are subject to change at any time before or during the auction.

During the auction, bidders may place bids at any time during the round. At the top of the bidding page, a countdown clock will show how much time remains in the round. Bidders have until the scheduled time to place bids. Bidders should do so according to the procedures described in the Auction System Technical Supplement, and as practiced at the Mock Auction. No information about the round is available until the round has closed and results have been posted, so there should be no strategic advantage to placing bids early or late in the round.

Alternate Bidding Procedures

Any bidder who is unable to place a bid using the online auction should follow these instructions:

- Call BOEM/the BOEM Auction Manager at the help desk number that is listed in the Auction System Technical Supplement *before* the end of the round.
- BOEM will authenticate the caller to ensure he/she is authorized to bid on behalf of the company.
- Explain the problem.
- BOEM may, in its sole discretion, accept a bid using the Alternative Bidding Procedure.
- The Alternative Bidding Procedure enables a bidder who is having difficulties accessing the Internet to submit its bid via an Alternative Bidding Form that must be faxed to the auction manager.

○ If the bidder has not placed a bid, but calls BOEM before the end of the round and notifies BOEM that it is preparing a bid using the Alternate Bidding Procedure, and submits the Alternate Bidding Form by fax before the round ends, BOEM will likely accept the bid, though acceptance or rejection of the bid is within BOEM's sole discretion.

○ If the bidder calls during the round, but does not submit the bid until after the round ends (but before the round is posted), BOEM may or may not accept the bid, in part based on how much time remains in the recess. Bidders are strongly encouraged to submit the Alternative Bidding Form before the round ends.

○ If the bidder calls during the recess following the round, but before the previous round's results have been posted, BOEM will likely reject its bid, even if it has otherwise complied with all of BOEM's Alternate Bidding Procedures.

○ If the bidder calls to enter a bid after results have been posted, BOEM will reject the bid.

Except for bidders who have uncontested bids in the current round, failure to place a bid during a round will be interpreted as dropping out of the auction. Bids in all rounds are preserved for consideration in Stage 2 of the award process. Bidders are held accountable for all bids placed during the auction. This is true if they continued bidding in the last round, if they placed an Intra-Round Bid for a single LA in an earlier round, or if they stopped bidding during the auction.

Acceptance, Rejection, or Return Of Bids: BOEM reserves the right and authority to reject any and all bids. No leases will be awarded to any bidders and no bids will be accepted, unless (1) the bidder has complied with all requirements of the FSN, applicable regulations and statutes, including, but not limited to, bidder qualifications, bid deposits, and adherence to the integrity of the competitive bidding process, (2) the bid conforms with the requirements and rules of the auction, and (3) the amount of the bid has been determined to be adequate by the authorized officer. Any bid submitted that does not satisfy these requirements may be returned to the bidder by the Program Manager of BOEM's Office of Renewable Energy Programs and, in that case, would not be considered for acceptance.

Process for Issuing the Leases: If BOEM proceeds with lease issuance, it will issue three unsigned copies of the lease form to each winning bidder. Within 10 business days after receiving the lease copies, a winning bidder must:

1. Execute the lease on the bidder's behalf;
2. File financial assurance as required under 30 CFR 585.515–537; and
3. Pay by electronic funds transfer (EFT) the balance of the bonus bid (bid amount less the bid deposit). BOEM requires bidders to use EFT procedures (not to include *pay.gov*) for payment of the balance of the bonus bid, following the detailed instructions contained in the ''Instructions for Making Electronic Payments'' available on BOEM's Web site at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/Maryland.aspx.*

If a winning bidder does not meet these three requirements within 10 business days of receiving the lease copies as described herein, or if a winning bidder otherwise fails to comply with applicable regulations or the terms of the FSN, the winning bidder will forfeit its bid deposit. BOEM may extend this 10 business-day time period if it determines the delay was caused by events beyond the winning bidder's control.

In the event that the provisional winner does not execute and return the leases according to the instructions in the FSN, BOEM reserves the right to reconvene the panel to determine whether it is possible to identify a bid that would have won in the absence of the bid previously determined to be the winning bid. In the event that a new winning bid is selected by the panel, BOEM will follow the procedures in this section for the new winner(s).

BOEM will not execute a lease until (1) the three requirements above have been satisfied, (2) BOEM has accepted the winning bidder's financial assurance, and (3) BOEM has processed the winning bidder's payment. The winning bidder may meet financial assurance requirements by posting a surety bond or by setting up an escrow account with a trust agreement giving BOEM the right to withdraw the money held in the account on demand by BOEM. BOEM may accept other forms of financial assurance on a case-by-case basis in accordance with its regulations. BOEM encourages provisionally winning bidders to discuss the financial assurance requirement with BOEM as soon as possible after the auction has concluded.

Within 45 days of the date that the winning bidder receives the lease copies, the winning bidder must pay the first 6-months' rent using the *pay.gov* Renewable Energy Initial Rental Payment form available at: *https://pay.gov/paygov/forms/formInstance.html?agencyFormId=27797604.*

The Lessee must pay the remaining 6-months' rent by the first day of the

seventh month following the effective date of the lease, following the detailed instructions contained in the ''Instructions for Making Electronic Payments'' available on BOEM's Web site at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/Maryland.aspx.*

Anti-Competitive Behavior: In addition to the auction rules described in this notice, bidding behavior is governed by Federal antitrust laws designed to prevent anticompetitive behavior in the marketplace. Compliance with BOEM's auction procedures will not insulate a party from enforcement of antitrust laws.

In accordance with the Act at 43 U.S.C. 1337(c), following the auction, and before the acceptance of bids and the issuance of leases, BOEM will ''allow the Attorney General, in consultation with the Federal Trade Commission, thirty days to review the results of the lease sale.'' If a bidder is found to have engaged in anti-competitive behavior or otherwise violated BOEM's rules in connection with its participation in the competitive bidding process, BOEM may reject the high bid.

Anti-competitive behavior determinations are fact specific. However, such behavior may manifest itself in several different ways, including, but not limited to:

- An agreement, either express or tacit, among bidders to not bid in an auction, or to bid a particular price;
- An agreement among bidders not to bid for a particular LA;
- An agreement among bidders not to bid against each other; and
- Other agreements among bidders that have the effect of limiting the final auction price.

BOEM may decline to award a lease if doing so would otherwise create a situation inconsistent with the antitrust laws (e.g., heavily concentrated market, etc.).

For more information on whether specific communications or agreements could constitute a violation of Federal antitrust law, please see: *http://www.justice.gov/atr/public/business-resources.html,* or consult counsel.

Bidder's Financial Form Certification: Each bidder is required to sign the self-certification, in accordance with 18 U.S.C. 1001 (Fraud and False Statements) in the Bidder's Financial Form, which can be found on BOEM's Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Maryland.aspx.* The form must be filled out and returned to BOEM in accordance with the ''Deadlines and Milestones for Bidders'' section of this notice.

Non-Procurement Debarment and Suspension Regulations: Pursuant to regulations at 43 CFR Part 42, Subpart C, an OCS renewable energy Lessee must comply with the U.S. Department of the Interior's non-procurement debarment and suspension regulations at 2 CFR 180 and 1400 and agree to communicate the requirement to comply with these regulations to persons with whom the Lessee does business as it relates to this lease by including this term as a condition in their contracts and other transactions.

Final Sale Notice: BOEM will consider comments received or postmarked during the PSN comment period in preparing a FSN that will provide the final details concerning the offering and issuance of OCS commercial wind energy leases in the Maryland WEA. The FSN will be published in the **Federal Register** at least 30 days before the lease sale is conducted and will provide the date and time of the auction.

Force Majeure: The Program Manager of BOEM's Office of Renewable Energy Programs has the discretion to change any date, time, and/or location specified in the FSN in case of a force majeure event that the Program Manager deems may interfere with a fair and proper lease sale process. Such events may include, but are not limited to, natural disasters (e.g., earthquakes, hurricanes, floods), wars, riots, acts of terrorism, fire, strikes, civil disorder or other events of a similar nature. In case of such events, bidders should call 703–787–1320 or access the BOEM Web site at: *http://www.boem.gov/Renewable-Energy-Program/index.aspx.*

Appeals: The appeals procedures are provided in BOEM's regulations at 30 CFR 585.225 and 585.118(c). Pursuant to 30 CFR 585.225,

(a) If BOEM rejects your bid, BOEM will provide a written statement of the reasons and refund any money deposited with your bid, without interest.

(b) You will then be able to ask the BOEM Director for reconsideration, in writing, within 15 business days of bid rejection, under 30 CFR 585.118(c)(1). BOEM will send you a written response either affirming or reversing the rejection.

The procedures for appealing adverse final decisions with respect to lease sales are described in 30 CFR 585.118(c).

Protection of Privileged or Confidential Information

BOEM will protect privileged or confidential information that is submitted as required by the Freedom of Information Act (FOIA). Exemption 4 of FOIA applies to trade secrets and commercial or financial information that is privileged or confidential. If you wish to protect the confidentiality of such information, clearly mark it and request that BOEM treat it as confidential. BOEM will not disclose such information, except as required by FOIA. Please label privileged or confidential information ''Contains Confidential Information'' and consider submitting such information as a separate attachment.

However, BOEM will not treat as confidential any aggregate summaries of such information or comments not containing such information. Additionally, BOEM may not treat as confidential the legal title of the commenting entity (e.g., the name of a company). Information that is not labeled as privileged or confidential will be regarded by BOEM as suitable for public release.

Section 304 of the National Historic Preservation Act (16 U.S.C. 470w–3(a))

BOEM is required, after consultation with the Secretary of the Interior, to withhold the location, character, or ownership of historic resources if it determines that disclosure may, among other things, cause a significant invasion of privacy, risk harm to the historic resources or impede the use of a traditional religious site by practitioners. Tribal entities and other interested parties should designate information that they wish to be held as confidential.

Dated: November 30, 2013.

Tommy P. Beaudreau,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2013–29977 Filed 12–17–13; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–417 and 731–TA–953, 957–959, 961, and 962 (Second Review)]

Carbon and Certain Alloy Steel Wire Rod From Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine

Scheduling of full five-year reviews concerning the countervailing duty order on carbon and certain alloy steel

wire rod from Brazil and the antidumping duty orders on carbon and certain alloy steel wire rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine.

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the countervailing duty order on carbon and certain alloy steel wire rod from Brazil and the antidumping duty orders on carbon and certain alloy steel wire rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* December 11, 2013.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On September 6, 2013, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (78 FR 60316, October 1, 2013). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

Participation in the reviews and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the reviews will be placed in the nonpublic record on April 2, 2013, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on April 22, 2014, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 15, 2014. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on April 17, 2014, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is April 11, 2014. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is May 1, 2014. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before May 1, 2014. On May 21, 2014, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before May 23, 2014, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *http://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the

Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: December 12, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–30032 Filed 12–17–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Acousto-Magnetic Electronic Article Surveillance Systems, Components Thereof, and Products Containing Same,* DN 2990; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Tyco Fire & Security GmbH, Sensormatic Electronics, LLC and Tyco Integrated Security, LLC on December 11, 2013. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain acousto-magnetic electronic article surveillance systems, components thereof, and products containing same. The complaint names as respondents Ningbo Signatronic Technologies, Ltd. of China; All-Tag Security Americas, Inc. of Boca Raton, FL; All-Tag Security Hong Kong Co., Ltd. of Hong Kong; All-Tag Europe SPRL of Brussels; All-Tag Security UK, Ltd. of United Kingdom; Best Security Industries of Delray Beach, FL and Signatronic Corporation of Boca Raton, FL. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing products during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 2990'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: December 12, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–30029 Filed 12–17–13; 8:45 am]

BILLING CODE 7020–02–P

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117–0024]

Agency Information Collection Activities: Proposed Collection; Comments Requested: Reports of Suspicious Orders or Theft/Loss of Listed Chemicals/Machines

ACTION: 60-Day notice.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until February 18, 2014. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Ruth A. Carter, Chief, Policy Evaluation Analysis Section, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Reports of Suspicious Orders or Theft/Loss of Listed Chemicals/Machines.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:*

Form Number: Notification of suspicious orders and thefts is provided in writing on an as needed basis and does not occur using a form.

Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: Persons handling listed chemicals and tableting and encapsulating machines are required to report thefts, losses and suspicious orders pertaining to these items. These reports provide DEA with information regarding possible diversion to illicit drug manufacture.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* DEA estimates that 300 persons respond as needed to this collection. Responses take 15 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* DEA estimates that this collection takes 75 annual burden hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Suite 3W–1407B, Washington, DC 20530.

Dated: December 12, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–30027 Filed 12–17–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Formaldehyde Standard

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Formaldehyde Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq.

DATES: Submit comments on or before January 17, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201311–1218–001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to maintain PRA authority for the information collections specified in regulations 29 CFR 1910.1020 and –.1048. The Formaldehyde Standard requires a covered employer to monitor worker exposure, to notify workers of their formaldehyde exposures, to provide medical surveillances, to provide examining physicians with specific information, to ensure workers receive a copy of their medical examination results, to maintain

workers' exposure monitoring and medical records for specific periods, and to provide the OSHA, National Institute for Occupational Safety and Health, affected workers, and their authorized representatives access to these records. Employers, workers, physicians, and the Government use these records to ensure exposure to benzene in the workplace does not harm workers. The Occupational Safety and Health Act authorizes this information collection. *See* 29 U.S.C. 651, 655, and 657.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0145.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on December 31, 2013. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 23, 2013 (78 FR 52567).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0145. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Formaldehyde Standard.

OMB Control Number: 1218–0145.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 84,931.

Total Estimated Number of Responses: 904,202.

Total Estimated Annual Burden Hours: 237,854.

Total Estimated Annual Other Costs Burden: $41,724,296.

Dated: December 12, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–30071 Filed 12–17–13; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Notice of Action

AGENCY: Bureau of Labor Statistics, Labor.

ACTION: Notice of action.

SUMMARY: Effective with the release of PPI data for January 2014 in February 2014, BLS will transition from the Stage of Processing (SOP) aggregation system to the Final Demand-Intermediate Demand (FD–ID) aggregation system. This shift will result in significant changes to the PPI news release, as well as other documents available from PPI, including the PPI Detailed Report and PPI Handbook of Methods.

DATES: The transition to the FD–ID system will occur with the release of January 2014 data, scheduled for release Wednesday, February 19, 2014.

FOR FURTHER INFORMATION CONTACT: Jonathan Weinhagen, Producer Price Index, Bureau of Labor Statistics, telephone number 202–691–7709 (this is not a toll-free number), or by email to: *weinhagen.jonathan@bls.gov*.

SUPPLEMENTARY INFORMATION: To expand the scope of coverage for the Producer Price Index (PPI), the Bureau of Labor Statistics (BLS) has developed an aggregation system that includes price changes for domestic goods, services, and construction sold to final demand and intermediate demand.

The transition to the FD–ID system is the culmination of a long-standing PPI objective to improve the SOP aggregation system by incorporating PPIs for services, construction, government purchases, and exports. In comparison to the SOP system, the FD–ID system more than doubles current PPI coverage of the United States economy in its primary aggregate indexes to over 75 percent of in-scope domestic production. The FD–ID system was introduced as a set of experimental indexes in January 2011. Nearly all new FD–ID goods, services, and construction indexes provide historical data back to either November 2009 or April 2010, while the indexes for goods that correspond with the historical SOP indexes go back to the 1970s or earlier.

To assist with the transition to the FD–ID system, PPI has been providing a version of the PPI news release based on the FD–ID model, starting with the publication of July 2013 data in August 2013. This document will be labeled ''Experimental'' through the December release in January 2014 and is being posted to the PPI Experimental FD–ID Aggregation System Web page (*http://www.bls.gov/ppi/experimentalaggregation.htm*) about two weeks after each month's regular PPI release. That Web page also contains detailed methodological information for the FD–ID aggregation system.

With the publication of January 2014 data in February 2014, the FD–ID version of the PPI news release will become the official news release document of record.

A **Federal Register** Notice requesting comments pertaining to the FD–ID aggregation system was posted in the **Federal Register** Tuesday, May 17, 2011. **Federal Register** Volume 76, Number 95 (Tuesday, May 17, 2011), [Notices], [Pages 28467–28469], [FR Doc No: 2011–12042.]

The FD–ID system will highlight the index for final demand, which measures price changes for goods, services, and construction sold to final demand: personal consumption, capital investment, government purchases, and exports. The composition of products in the final demand price index differs from that of the finished goods index in two major respects. First, it includes government purchases and exports. Second, it includes services and construction, which are not reflected in finished goods.

The FD–ID system also includes two separate parallel treatments of intermediate demand: price changes for goods, services, and construction sold to business as inputs to production, excluding capital investment. The first treatment, intermediate demand by commodity type, measures price changes based on similarity of product and includes aggregate indexes for processed goods for intermediate demand, unprocessed goods for intermediate demand, and services for intermediate demand.

The second treatment, intermediate demand by production flow, is a stage-based system of price indexes, where price changes for goods, services, and construction can be studied as they move through the production chain of the economy to final demand. This treatment includes four stages of intermediate demand, which were established to maximize forward flow of production through the economy, while minimizing backflow of production.

These FD–ID indexes are constructed using PPI commodity indexes for goods, services, and construction, where products are assigned to various categories according to buyer type and commodity type. A product purchased by different classes of buyers is assigned to multiple FD–ID aggregates, with unique weights allocated to each aggregate based on the product's sales value to each buyer type.

Signed at Washington, DC, this 9th day of December 2013.

Kimberley Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2013–30072 Filed 12–17–13; 8:45 am]

BILLING CODE 4510–24–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 13–08]

Report on the Selection of Eligible Countries for Fiscal Year 2014

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: This report is provided in accordance with section 608(d)(1) of the Millennium Challenge Act of 2003, Public Law 108–199, Division D, (the ''Act''), 22 U.S.C. 7708(d)(1).

Dated: December 13, 2013.

Melvin F. Williams, Jr.,

VP/General Counsel and Corporate Secretary, Millennium Challenge Corporation.

Report on the Selection of Eligible Countries for Fiscal Year 2014

Summary

This report is provided in accordance with section 608(d)(1) of the Millennium Challenge Act of 2003, as amended, Public Law 108–199, Division D, (the ''Act'') (22 U.S.C. 7707(d)(1)).

The Act authorizes the provision of Millennium Challenge Account (''MCA'') assistance under section 605 of the Act (22 U.S.C. 7704) to countries that enter into compacts with the United States to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction, and are in furtherance of the Act. The Act requires the Millennium Challenge Corporation (''MCC'') to determine the countries that will be eligible to receive MCA assistance during the fiscal year, based on their demonstrated commitment to just and democratic governance, economic freedom, and investing in their people, as well as on the opportunity to reduce poverty and generate economic growth in the country. The Act also requires the submission of reports to appropriate congressional committees and the publication of notices in the **Federal Register** that identify, among other things:

The countries that are ''candidate countries'' for MCA assistance during fiscal year 2014 (''FY14'') based on their per-capita income levels and their eligibility to receive assistance under U.S. law, and countries that would be candidate countries but for specified legal prohibitions on assistance (section 608(a) of the Act (22 U.S.C. 7707(a)));

The criteria and methodology that the Board of Directors of MCC (the ''Board'') will use to measure and evaluate the policy performance of the ''candidate countries'' consistent with the requirements of section 607 of the Act in order to select ''MCA eligible countries'' from among the ''candidate countries'' (section 608(b) of the Act (22 U.S.C. 7707(b))); and

The list of countries determined by the Board to be ''MCA eligible countries'' for FY14, with justification for eligibility determination and selection for compact negotiation, including with which of the MCA eligible countries the Board will seek to enter into MCA compacts (section 608(d) of the Act (22 U.S.C. 7707(d))).

This is the third of the above-described reports by MCC for FY14. It identifies countries determined by the Board to be eligible under section 607 of the Act (22 U.S.C. 7706) for FY14 and countries with which the MCC will seek to enter into compacts under section 609 of the Act (22 U.S.C. 7708), as well as the justification for such decisions. The report also identifies countries determined by the Board to be eligible for MCC's Threshold Program under section 616 of the Act (22 U.S.C. 7715).

Eligible Countries

The Board met on December 10, 2013, to select countries that will be eligible for MCA compact assistance under section 607 of the Act (22 U.S.C. 7706) for FY14. The Board selected the following country as eligible for such assistance for FY14: Lesotho. The Board also reselected the following countries as eligible for FY14 MCA compact assistance—Ghana, Liberia, Morocco, Niger, and Tanzania. Two other countries currently developing compact proposals, Benin and Sierra Leone, were not put up for a vote. The Board discussed the fact that those two countries did not pass MCC's control of corruption indicator, which is a hard hurdle for passing the scorecard, and did not put them to a vote on reselection. Guatemala and Nepal were reselected as eligible for threshold assistance.

Criteria

In accordance with the Act and with the ''Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in Fiscal Year 2014'' formally submitted to Congress on September 19, 2013, selection was based primarily on a country's overall performance in three broad policy categories: Ruling Justly, Encouraging Economic Freedom, and Investing in People. The Board relied, to the maximum extent possible, upon transparent and independent indicators to assess countries' policy performance and demonstrated commitment in these three broad policy areas. The Board compared countries' performance on the indicators relative to their income-level peers, evaluating them in comparison to either the group of low income scorecard countries (''LIC'') or the group of lower middle income scorecard countries (''LMIC'').

The criteria and methodology used to assess countries on the annual scorecards is outlined in the ''Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in Fiscal Year

2014.'' Scorecards reflecting each country's performance on the indicators are available on MCC's Web site at *www.mcc.gov/scorecards.*

The Board also considered whether any adjustments should be made for data gaps, data lags, or recent events since the indicators were published, as well as strengths or weaknesses in particular indicators. Where appropriate, the Board took into account additional quantitative and qualitative information, such as evidence of a country's commitment to fighting corruption, investments in human development outcomes, or poverty rates. For example, for additional information in the area of corruption, the Board considered how a country is evaluated by supplemental sources like Transparency International's Corruption Perceptions Index, the Global Integrity Report, Open Government Partnership status, and the Extractive Industry Transparency Initiative, among others, as well as on the defined indicator. The Board may also take into account the margin of error around an indicator, when applicable. In keeping with legislative directives, the Board also considered the opportunity to reduce poverty and promote economic growth in a country, in light of the overall information available, as well as the availability of appropriated funds.

This was the fifth year the Board considered the eligibility of countries for subsequent compacts, as permitted under section 609(k) of the Act (22 U.S.C. 7708(k)). The Board also considered the eligibility of countries for initial compacts. The Board sees the selection decision as an annual opportunity to determine where MCC funds can be most effectively invested to support poverty reduction through economic growth in relatively well-governed, poor countries. The Board carefully considers the appropriate nature of each country partnership—on a case by case basis—based on factors related to economic growth and poverty reduction, the sustainability of MCC's investments, and the country's ability to attract and leverage public and private resources in support of development.

MCC's engagement with partner countries is not open-ended, and the Board is very deliberate when determining eligibility for follow-on partnerships. In determining subsequent compact eligibility, the Board considered—in addition to the criteria outlined above—the country's performance implementing its first compact, including the nature of the country's partnership with MCC, the degree to which the country has demonstrated a commitment and capacity to achieve program results, and the degree to which the country has implemented the compact in accordance with MCC's core policies and standards. To the greatest extent possible, this was assessed using pre-existing monitoring and evaluation targets and regular quarterly reporting. This information was supplemented with direct surveys and consultation with MCC staff responsible for compact implementation, monitoring, and evaluation. MCC published a Guide to the Supplemental Information Sheet and a Guide to the Compact Survey Summary in order to increase transparency about the type of supplemental information the Board uses to assess a country's policy performance and compact implementation performance.

As with previous years, a number of countries that performed well on the quantitative elements of the selection criteria (i.e., on the policy indicators) were not chosen as eligible countries for FY14. FY14 was a particularly competitive year: seven countries are already working to develop compacts, four additional countries were within the window of consideration for subsequent compacts, multiple countries passed the scorecard (some for the first time), and funding was limited due to budget constraints. As a result, only one country that passed the scorecard was newly selected for MCC eligibility.

Countries Newly Selected for Compact Eligibility

Using the criteria described above, Lesotho is the only candidate country under section 606(a) of the Act (22 U.S.C. 7705(a)) that was newly selected as eligible for MCA assistance for a compact under section 607 of the Act (22 U.S.C. 7706).

Lesotho is a consistently strong performer on the MCC scorecard, passing for eleven consecutive years. Scorecards for Lesotho can be found here: *www.mcc.gov/scorecards.* Lesotho successfully completed its first $363 million compact in September 2013, including the completion of work on multiple health clinics, 14 hospital outpatient departments, rural and urban water projects, and a private sector development project that expanded access to credit, as well as expanding women's participation in the formal economy. The Government of Lesotho was a strong compact partner, proactively addressing issues as they arose, managing to project timelines, and spending over $50 million in additional funds from its own resources. Many of the initial compact investments target specific development challenges in Lesotho, including high rates of poverty and unemployment, and the third highest HIV/AIDS prevalence in the world.

During development and implementation of its first compact, Lesotho did not shy away from making necessary—and often tough—policy reforms. This included passing landmark legislation expanding the legal rights of married women, such as the right of married women to own property or enter into a binding contract for the first time. Other policy reforms include the legislation that created the Land Administration Authority; the credit reporting and data protection legislation; the National Identification Bill; and changes that benefit the Basotho people by improving health care, water access and the private sector environment.

Countries Up for Reselection To Continue Compact Development

Five of the countries selected as eligible for MCA compact assistance in FY14 were previously selected as eligible. Reselection allows them to access compact funding from FY14. These countries include Ghana, Liberia, Morocco, Niger, and Tanzania.

The Board reselected these countries based on their continued performance since their prior selection. The Board determined that since their initial selection, there has been no material change in their performance on the indicator criteria that indicates a serious decline in policy performance.

Three countries (Ghana, Niger, and Tanzania) passed the scorecards. Two countries (Liberia and Morocco) passed 9 indicators in FY14, just below the 10 needed to pass the scorecard criteria. In these two cases, the apparent declines were caused by historical data revisions or methodological changes from the indicator institutions. In neither case were the changes in scorecard performance due to policy declines on the part of the government. Due to this, the Board decided to reselect Liberia and Morocco, but expects to see those countries pass the scorecard before it would approve a compact in either country.

Two other countries currently developing compact proposals—Benin and Sierra Leone—were not reselected. The Board discussed the fact that both countries fell just below the median on Control of Corruption in FY14, and therefore did not meet the Control of Corruption hurdle. Because of this, the Board did not put them up for a vote for reselection. This means neither Benin nor Sierra Leone are currently eligible

for FY14 compact funding. In these cases, the Board considered how the countries were evaluated by supplemental sources like Transparency International's Corruption Perceptions Index, the Global Integrity Report, Open Government Partnership status, and the Extractive Industry Transparency Initiative, as applicable. The Board also took into consideration recent actions by each government to address corruption. After accounting for this supplemental information, the Board directed MCC to continue a more limited engagement on compact development with both Benin and Sierra Leone and support their continued efforts to address corruption. The Board discussed the seriousness with which it take the scorecard's hard hurdles and indicated that it expects both countries to pass the Control of Corruption indicator before it would approve a compact with them.

The Board asked all four countries that do not meet the scorecard criteria to work to improve their policy performance over the coming year.

Countries Newly Selected for Threshold Program Eligibility

For FY14, the Board did not select any new countries as eligible for threshold assistance.

Countries Reselected To Continue Developing Threshold Programs

Two countries selected as eligible for threshold assistance in FY14 were previously selected as eligible. Reselection allows them to access funding from FY2014. These countries are Guatemala and Nepal.

The Board reselected these countries based on their continued performance since their prior selection. The Board determined that since their initial selection, there has been no material change in their performance that would indicate a serious decline in policy performance.

Ongoing Review of Partner Countries' Policy Performance

The Board also reviewed the policy performance of countries that are implementing compacts. These countries do not need to be reselected each year in order to continue implementation. Once MCC makes a commitment to a country through a compact, MCC does not consider the country for reselection on an annual basis during the term of its compact. The Board emphasized the need for all partner countries to maintain or improve their policy performance. If it is determined that a country has demonstrated a significant policy reversal, MCC can hold it accountable by applying MCC's Suspension and Termination Policy.

Selection To Initiate the Compact Process

The Board also authorized MCC to invite Lesotho to submit a proposal for a compact, as described in section 609 of the Act (22 U.S.C. 7708).

Submission of a proposal is not a guarantee that MCC will finalize a compact with an eligible country. Any MCA assistance provided under section 605 of the Act (22 U.S.C. 7704) will be contingent on the successful negotiation of a mutually agreeable compact between the eligible country and MCC, approval of the compact by the Board, and the availability of funds.

[FR Doc. 2013–30084 Filed 12–17–13; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts Advisory Panel Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that six meetings of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506 (unless otherwise noted) as follows (all meetings are Eastern time and ending times are approximate):

Folk & Traditional Arts (application review): This meeting will be closed.

Dates: January 9, 2014. 9:00 a.m. to 5:30 p.m. in room 716.

Music (review of nominations): This meeting will be closed.

Dates: January 14, 2014. 10:00 a.m. to 11:15 a.m. The meeting will be held at Jazz at Lincoln Center, Ella & Louis Room, 3 Columbus Circle, 12th Floor, New York, NY 10019.

Music (application review): This meeting will be virtual and will be closed.

Dates: January 14, 2014. 11:30 a.m. to 12:30 p.m.

State & Regional (review of State Partnership Agreements): This meeting will be open.

Dates: January 15–16, 2014. From 9:30 a.m. to 5:00 p.m. on January 15th and from 9:00 a.m. to 3:30 p.m. on January 16th, in Room 716.

State & Regional (review of Regional Partnership Agreements): This meeting will be open.

Dates: January 23, 2014. 3:00 p.m. to 4:00 p.m.

Research (application review): This meeting will be virtual and will be closed.

Dates: January 29, 2014. 3:00 p.m. to 5:30 p.m.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *plowitzk@arts.gov,* or call 202/682–5691.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Dated: December 13, 2013.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2013–30054 Filed 12–17–13; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Request for a Revision to and Extension of Approval of an Information Collection; Qualitative Feedback on Agency Service Delivery

AGENCY: National Science Foundation.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the National Science Foundation's intention to request a revision to and an extension of approval of an information collection associated with qualitative customer and stakeholder feedback on service delivery by the National Science Foundation.

DATES: Written comments on this notice must be received by February 18, 2014 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and

requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 1265, Arlington, VA 22230, or by email to *splimpto@nsf.gov*.

Comments: Written comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; or (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone (703) 292–7556; or send email to *splimpto@nsf.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–(800) 877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 3145–0215.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The proposed information collection activity provides a means for the National Science Foundation (NSF) to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Agency's commitment to improving service delivery.

By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning of issues with service; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. This collection will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

NSF will only submit a collection for approval under this generic clearance if it meets the following conditions:

○ The collection is voluntary;

○ The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;

○ The collection is non-controversial and does not raise issues of concern to other Federal agencies;

○ The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

○ Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

○ Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of NSF (if released, NSF must indicate the qualitative nature of the information);

○ Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

○ Information gathered will yield qualitative information; the collection will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding this study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, this information collection will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Below we provide the National Science Foundation's projected average estimates for the next three years:

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of Activities: 15.

Respondents: 500 per activity.

Annual Responses: 7,500.

Frequency of Response: Once per request.

Average Minutes per Response: 30.

Burden Hours: 3,750.

Dated: December 12, 2013.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2013–30033 Filed 12–17–13; 8:45 am]

BILLING CODE 7555–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension: Form 144, OMB Control No. 3235–0101, SEC File No. 270–112.

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'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Form 144 (17 CFR 239.144) is used to report the sale of securities during any three-month period that exceeds 5,000 shares or other units or has an aggregate sales price that does not exceed $50,000. Under Sections 2(11), 4(1), 4(2), 4(4) and 19(a) of the Securities Act of 1933 (15 U.S.C. 77b, 77d (1) (2) (4) and 77s (a)) and Rule 144 (17 CFR 230.144) thereunder, the Commission is authorize to solicit the information required to be supplied by Form 144. Form 144 takes approximately 1 burden hour per response and is filed by 23,361 respondents for a total of 23,361 total burden hours.

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collections 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 in writing within 60 days of this publication.

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.

Please direct your written comments to 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.*

Dated: December 12, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30051 Filed 12–17–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, December 18, 2013 at 10 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

• The Commission will consider whether to propose rules and forms related to the offer and sale of securities pursuant to Section 3(b) of the Securities Act of 1933, as mandated by Title IV of the Jumpstart Our Business Startups Act.

The duty officer has determined that no earlier notice was practicable.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: December 16, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–30213 Filed 12–16–13; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71060; File No. SR–NASDAQ–2013–151]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delay Implementation of Recent Changes to Rule 4120(c)(7)(C)

December 12, 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 December 4, 2013, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes a proposed rule change to delay implementation of recent changes to Rule 4120(c)(7)(C) to allow market participants the opportunity to participate in testing of the new process

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to delay the implementation date of recently-approved changes to the halt release process under Rule 4120(c)(7)(C). On November 14, 2013, the Exchange filed an immediately effective rule change to amend Rule 4120(c)(7)(C) to modify the parameters for releasing securities for trading upon the termination of a trading halt.[3] The Exchange filed the proposal pursuant to subparagraph (f)(6) of Rule 19–4 under the Act,[4] which requires, among other things, that changes filed pursuant to this subparagraph not become operative for thirty days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the thirty-day operative delay under subparagraph (f)(6) of Rule 19b-4,[5] noting that the proposed change is designed to protect market participants from seemingly erroneous pricing of halted securities upon resumption of trading, and that, it is possible, particularly with regard to the IPO release process, for a disruptive order to skew the release price far from what was anticipated by market participants based on the indicative prices published by the Exchange prior to the calculation.[6] On November 21, 2013, the Commission issued public

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] Securities Exchange Act Release No. 70911 (November 21, 2013), 78 FR 71011 (November 27, 2013) (SR–NASDAQ–2013–143).

[4] 17 CFR 240.19b-4(f)(6).

[5] *Id.*

[6] *Supra* note 3.

notice of the filing, granting waiver of the pre-operative delay.[7]

The Exchange is proposing to delay implementation of the change for a brief period to allow for adequate user testing of the new process. NASDAQ has scheduled a User Acceptance Test (''UAT'') for December 14, 2013, during which NASDAQ will provide market participants with the opportunity to participate in simulated halts of test securities using the new process. NASDAQ plans to implement the new process effective with the beginning of regular trading hours on December 16, 2013. Although NASDAQ does not anticipate any issues with the test, should the UAT uncover issues with the new halt release process, NASDAQ will further delay implementation of the process and provide public notice thereof prior to the anticipated implementation date of December 16, 2013.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[8] in general, and with Section 6(b)(5) of the Act,[9] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transaction in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The brief delay in implementing the new process as discussed herein promotes these goals by ensuring market participants have adequate opportunity to test their systems against the new process in a simulated trading environment. NASDAQ believes that providing adequate testing will allow NASDAQ to identify any potential issues with its revised process, while also allowing market participants to identify potential problems with their systems. As a consequence, the proposal will protect investors by avoiding potential market disruptions, which may occur should the new process not be adequately tested in a simulated trading environment. The Exchange also believes that the proposal is consistent with Section 6(b)(5) of the Act because it will avoid market participant confusion that may be caused by having a change to a rule that is immediately operative, but not yet implemented. NASDAQ notes that it continues to believe in the importance of implementing the amended process as soon as reasonably practical and will do so upon successful completion of testing as described above.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange believes that the proposal is irrelevant to competition because it is not driven by, and will have no impact on, competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11] Because the 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, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6)[13] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the five-day pre-filing requirement and the 30-day operative delay so that the proposal may become effective and operative immediately. According to the Exchange, the proposal is designed to clarify when the changes to Rule 4120(c)(7)(C) that are currently both effective and operative will be implemented, thus avoiding any market participant confusion regarding the implementation, and ensuring that NASDAQ's rules are consistent with its operations. Thus, the Exchange believes that it is in the interest of protecting investors to briefly delay implementation of the recent changes to Rule 4120(c)(7)(C). Based on the Exchange's statements, the Commission believes that waiving the five-day pre-filing requirement and 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposal as operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (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 under Section 19(b)(2)(B)[16] of the Act 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 proposal 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–2013–151 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary,

[7] *Id.*

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission is waiving this five-day pre-filing requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 15 U.S.C. 78s(b)(2)(B).

Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2013–151. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2013–151 and should be submitted on or before January 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30044 Filed 12–17–13; 8:45 am]

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[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71073; File No. SR–CBOE–2013–102]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Granting Approval of Proposed Rule Change To Establish Modified Hybrid Opening System Opening Procedures for All Volatility Index Constituent Options

December 13, 2013.

I. Introduction

On October 15, 2013, the Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend CBOE Rule 6.2B to establish modified Hybrid Opening System (''HOSS'') opening procedures for all option series that are used to calculate volatility indexes. The proposed rule change was published for comment in the **Federal Register** on October 31, 2013.[3] The Commission received no comments on the proposed rule change. This order grants approval of the proposed rule change.

II. Description of the Proposed Rule Change

According to the Exchange, on the expiration/final settlement date for volatility index options and futures, modified HOSS opening procedures are used for Hybrid 3.0 option series that are used to calculate the exercise settlement/final settlement value for expiring volatility index options and futures. Currently, standard expiration options (*i.e.,* third Friday expirations) on the S&P 500 index, which are used to calculate the CBOE Volatility Index (''VIX''), are the only Hybrid 3.0 options that use the modified HOSS opening procedures. According to the Exchange, the main feature of the modified HOSS opening procedures is the strategy order[4] cut-off time for the SPX option series used to calculate the exercise settlement/final settlement value of VIX derivatives. Currently, all strategy orders must be submitted by 8:15 a.m. (Chicago time).[5] In limited circumstances, strategy orders may be changed or cancelled.[6]

In addition to the VIX, CBOE and CBOE Futures Exchange, LLC (''CFE'') also trade options and futures on other volatility indexes. Currently, normal HOSS opening procedures are used on all days for the constituent options in those volatility indexes because the constituent options trade on the Hybrid platform. Moreover, the Exchange plans to introduce CBOE Short-Term Volatility Index (''VXST'') options (to be traded on CBOE) and VXST futures (to be traded on CFE) that expire every Wednesday.[7] The Exchange notes that the VXST will be calculated using SPX option series that expire on every Friday, including standard expiration SPX option series and non-standard expiration SPX option series. Because some constituent SPX option series are Hybrid series, the current modified HOSS opening procedures are not applicable. The Exchange now proposes to adopt new Interpretation and Policy .08 to Rule 6.2B to set forth the modified HOSS opening procedures for Hybrid classes and series that are used to calculate all volatility indexes, including the VXST, on the expiration/final settlement dates for volatility index derivatives.[8]

Among other things, the Exchange proposes that, for 30-day volatility indexes, the modified HOSS opening procedures would be utilized on the days that the exercise settlement/final settlement value is calculated for options or futures on such volatility indexes. For short-term volatility indexes that measure a 9-day volatility period, the modified HOSS opening procedures would be utilized every Wednesday for Hybrid classes and series that are used to calculate such volatility indexes.[9]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 70755 (October 25, 2013), 78 FR 65402 (''Notice'').

[4] Option orders that are related to positions in, or a trading strategy involving, volatility index options or futures are known as ''strategy orders.'' *See* CBOE Rule 6.2B.01(c)(iii). CBOE Rule 6.2B.01(c)(iii)(B) sets forth the characteristics of strategy orders.

[5] The applicable cut-off time for the entry of strategy orders is established by the Exchange on a class-by-class basis. *See* CBOE Rule 6.2B.01(c)(iii)(A) and CBOE Regulatory Circular RG08–43 (Cut-Off Time for Submission of Strategy Orders for Participation in SPX Modified HOSS Opening Procedure).

[6] *See* CBOE Rule 6.2B.01(c)(iii)(B).

[7] The VXST measures a 9-day period of expected volatility and is calculated using SPX option series that expire in 9 days. The Exchange plans to submit a separate filing to the Commission to list VXST options and anticipates that CFE will list VXST futures prior to CBOE listing VXST options.

[8] The Exchange also proposes other technical changes to Rules 6.2B.01 and 24.9(a)(5). *See* Notice, *supra* note 3, at 65405–06.

[9] If a Wednesday is an Exchange holiday or if the Friday in the business week following a Wednesday is an Exchange holiday, then the modified HOSS opening procedures would be utilized on a Tuesday. *See* CBOE Rule 6.2B.08(a).

The Exchange also proposes to establish criteria for identifying strategy orders, a cut-off time for strategy orders to be established by the Exchange on a class-by-class basis,[10] and a prohibition against changing or cancelling strategy orders.[11] In addition, the Exchange proposes that all other option orders for participation in the modified HOSS opening procedures, and any change to or cancellation of any such order, must be received prior to the applicable cut-off time in order to participate at the opening price for the applicable option series.[12]

The Exchange represents that it currently conducts heightened surveillance on the days when the modified HOSS opening procedures are utilized. The Exchange further represents that those same heightened surveillance practices will be utilized on every Wednesday and that these surveillance practices will be adequate to monitor trading in all constituent option series used to calculate volatility indexes. The Exchange also expects to enhance surveillance practices in tandem with any resultant trading volume growth.

III. Discussion and Commission Findings

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[13] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[14] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, 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.

The proposed modified HOSS opening procedures would apply only on the expiration/final settlement dates for volatility index options and futures. The normal HOSS opening procedures would apply on all other days. Except for the rule provisions that the Exchange identifies as applicable only to Hybrid 3.0 options,[15] the proposed modified HOSS opening procedures applicable to all volatility index constituent options are similar to the existing modified HOSS opening procedures applicable to VIX constituent options.[16]

The Exchange states that the primary purpose of this proposed rule change is to establish a strategy order cut-off time on expiration/final settlement dates for options series that are used to calculate the exercise settlement/final settlement value for volatility index options and futures. As noted by the Exchange, applying a strategy order cut-off time to volatility index constituent options on expiration/final settlement dates will allow exposure of order imbalances in the constituent options that resulted from unwinding hedges for volatility index derivatives, allow market participants to review and offset order imbalances, and facilitate a more stable opening process because an option series will not open if there is an imbalance. In addition, as noted by the Exchange, the strategy order cut-off time could result in market participants submitting orders that price-improve the constituent options.

The other aspects of the proposed rule change, including the technical amendments to CBOE Rules 6.2B.01 and 24.9(a)(5), as noted by the Exchange, are intended to provide additional clarity to the Exchange's rules, including in connection with the existence of different volatility indexes that overlie different implied volatility measurement periods.[17]

The Commission believes that the proposed rule change is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[18] that the proposed rule change (SR–CBOE–2013–102) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30089 Filed 12–17–13; 8:45 am]

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[10] The strategy order cut-off time will be no earlier than 8:00 a.m. and no later than the opening of trading in the option series.

[11] Similar to the existing modified HOSS opening procedures, the Exchange would permit a strategy order to be changed or cancelled after the strategy order cut-off time if the order is (i) not executed in the modified HOSS opening procedures and the change or cancellation is submitted after the modified HOSS opening procedures have concluded, or (ii) changed or cancelled to correct a legitimate error. *See* CBOE Rule 6.2B.08(c).

[12] The applicable cut-off time would be established by the Exchange on a class-by-class basis, provided it would be no earlier than 8:25 a.m. and no later than the opening of trading in the option series. *See* CBOE Rule 6.2B.08(d).

[13] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78f(b)(5).

[15] *See* Notice, *supra* note 3, at 65405.

[16] *See* CBOE Rule 6.2B.01.

[17] The Exchange notes that it will submit a separate rule filing to propose the listing of VXST options.

[18] 15 U.S.C. 78s(b)(2).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71059; File No. SR–EDGA–2013–37]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGA Exchange, Inc. Fee Schedule

December 12, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 6, 2013, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees and rebates applicable to Members[3] of the Exchange pursuant to EDGA Rule 15.1(a) and (c) (''Fee Schedule'') to exclude odd lot transactions from its definition of Total Consolidated Volume (''TCV''), which is used to determine whether a Member is eligible for certain pricing tiers. The text of the proposed rule change is available on the Exchange's Web site at www.directedge.com, at the Exchange's principal office, on the Commission's Web site at *www.sec.gov,* and at the Public Reference Room of the Commission.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently defines TCV as ''the volume reported by all exchanges and trade reporting facilities to the consolidated transaction reporting plans for Tapes A, B and C securities for the month in which the fees are calculated.'' [4] An odd lot transaction, which is generally an execution of less than 100 shares,[5] is currently not reported to the consolidated tape, and therefore, not included in the Exchange's calculation of TCV. Beginning December 9, 2013, odd lot transactions will be reported to the consolidated tape.[6] The Exchange, therefore, proposes to amend its Fee Schedule to exclude odd lot transactions from its definition of TCV, which is used to determine whether a Member is eligible for certain pricing tiers, through January 31, 2014. The proposal would allow Members additional time to adjust to the potential impact of including odd lot transactions within consolidated volumes. Odd lots will continue to be included in each Member's average daily trading volume (''ADV'') as they are today.

The Exchange provides Members with the opportunity to qualify for an Add Volume pricing tier based on its [sic] level of activity during a particular month. Each tier provides a Member with lower pricing to add liquidity on the Exchange. Each tier uses a specific percentage of TCV during the billing cycle as a threshold that a Member must meet or exceed to qualify for a particular tier. For example, to qualify for the Volume Tier 1 and be charged a reduced fee of $0.0003 per share, a Member must add more than 1% of the TCV in ADV on EDGA, including non-displayed orders that add liquidity on a daily basis, measured monthly. To qualify for Volume Tier 2 and also be charged a reduced fee of $0.0003 per share, a Member must add more than 0.25% of the TCV on EDGA, including non-displayed orders that add liquidity; and remove more than 0.25% of the TCV in ADV on a daily basis, measured monthly.

The proposal to exclude odd lot transactions from the TCV calculation is intended to allow Members additional time to adjust to the potential impact of including odd lot transactions within consolidated volumes. The proposed rule change is not intended to address any other issues and the Exchange is not aware of any problems that Members would have in complying with the proposed rule change.

Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on December 9, 2013. The amendments would be effective through January 31, 2014.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[7] in general, and furthers the objectives of Section 6(b)(4),[8] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

The Exchange believes its proposal to exclude odd lot transactions from its TCV calculation is reasonable because it allows the Exchange to maintain, albeit temporarily, the status quo when measuring a Member's activity and whether they [sic] satisfy the criteria necessary to achieve preferred pricing under each pricing tier. Absent this change, the denominator of tier threshold calculation (*i.e.,* TCV) would increase immediately when odd lot transactions begin to be reported to the consolidated tape and a Member would need to immediately increase their [sic] own activity (*i.e.,* the numerator) to continue to qualify for the tier. However, such an increase in the Member's activity would not result in a corresponding benefit to the Member because the Exchange is not proposing to change the tier rates. The Exchange anticipates that the eventual impact on determining tier qualifications would be minimal when odd lot transactions begin to be included in the TCV. Nonetheless, the Exchange believes that it is reasonable to provide Members with a limited transition period to adapt to such impact.

The proposed rule change is also equitable and not unfairly discriminatory because it would apply to all Members uniformly. In addition, the inclusion of odd lots in the TCV calculation would occur for all Members on February 1, 2014, after the same nearly two month transition period.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that this change represent [sic] a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. The proposed rule change is designed to provide consistency to Members by allowing the Exchange to maintain, albeit temporarily, the status quo when measuring a Member's activity and whether they [sic] satisfy the criteria necessary to achieve preferred pricing under each pricing tier. The proposal to exclude odd lot transactions from the TCV calculation is intended to allow Members additional time to adjust to the potential impact of including odd lot transactions within consolidated volumes. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

This proposed rule change is also designed to maintain intermarket competition by eliminating the potential for Members to immediately fail to qualify for a tier due to the inclusion of

[4] *See* Exchange Fee Schedule *available at http://www.directedge.com/Trading/EDGAFeeSchedule.aspx* (December 2, 2013).

[5] *See* Exchange Rule 11.6.

[6] *See* Securities Exchange Act Release No. 70794 (October 31, 2013), 78 FR 66789 (November 6, 2013) (SR–CTA–2013–05) (Order Approving the Eighteenth Substantive Amendment to the Second Restatement of the CTA Plan). *See also* Securities Exchange Act Release No. 70793 (October 31, 2013), 78 FR 66788 (November 6, 2013) (File No. S7–24–89) (Order Approving Amendment No. 30 to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis). *See also* Securities Exchange Act Release No. 70898 (November 19, 2013) (SR–NYSE–2013–75). *See also* announcements regarding December 9, 2013 implementation date, available at *https://cta.nyxdata.com/cta/popup/news/2385* and *http://www.nasdaqtrader.com/TraderNews.aspx?id=uva2013-11.* If the inclusion of odd lot transactions in the consolidated tape is delayed to a date after December 9, 2013, the manner of inclusion or exclusion of odd lot transactions described in this proposal for purposes of billing on the Exchange would similarly take effect on such later date.

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4).

odd lot transactions in the consolidated tape beginning December 9, 2013. Other exchanges have also announced their intention of [sic] filed proposed rule changes to exclude odd lot transactions from the consolidated volume calculations from December 9, 2013 thru [sic] January 31, 2014.[9] The proposal is also designed to maintain intramarket completion by maintaining consistent calculations amongst exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(2)[11] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGA–2013–37 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–EDGA–2013–37. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml)* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGA–2013–37 and should be submitted on or before January 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30043 Filed 12–17–13; 8:45 am]

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[9] *See* File No. SR–NYSE–2013–78 (proposal by the New York Stock Exchange, Inc. (''NYSE'') to amend its price list to exclude odd lot transactions from its consolidated average daily trading volume calculations thru January 31, 2014); *see also,* BATS Exchange, Inc. and BATS-Y Exchange, Inc. Tier Calculation Update *available at http://cdn.batstrading.com/resources/fee_schedule/BATS-BZX-Exchange-and-BYX-Exchange-Tier-Calculation-Update-Effective-December-9-2013.pdf* (announcing intention to exclude odd lot transactions from its consolidated average daily trading volume calculations thru [sic] January 31, 2014).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4 (f)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71066; File No. SR–ISE–2013–66]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Change Procedure for Processing Fingerprints Under Existing Rule 1408

December 12, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 4, 2013, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to change its procedure for processing fingerprints under its existing Rule 1408. The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to change the procedure under its existing Rule 1408

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(Fingerprint-Based Background Checks of Exchange Employees and Independent Contractors and Other Service Providers) regarding its current practice of conducting fingerprint-based criminal records checks of (i) directors, officers and employees of the Exchange and (ii) temporary personnel, independent contractors, consultants, vendors and service providers (collectively, ''Contractors'') who have or are anticipated to have access to facilities and records. A number of securities markets have filed rules and procedures with the Securities and Exchange Commission (''Commission'' or ''SEC'') to obtain fingerprints from certain enumerate parties.[3] ISE's proposal to change its procedure under its Rule 1408 is consistent with these rules. Specifically, the Exchange is proposing to: (1) Discontinue the current method of manual fingerprinting via fingerprint cards and (2) utilize a Live-Scan [4] electronic system for the taking of fingerprints. All of the proposed changes are consistent with the requirements of other options exchanges.[5]

Access to the Federal Bureau of Investigation's (''FBI'') (the fingerprint processing arm of the Office of the Attorney General of the United States) database of fingerprint-based records is permitted only when authorized by law. Section 17(f)(2) of the Act explicitly directs the Attorney General of the United States (*i.e.,* the FBI) to provide SROs designated by the Commission with access to criminal history record information. The Exchange has conducted its fingerprint-based record checks of (i) directors, officers and employees of the Exchange and (ii) Contractors since Rule 1408 was adopted on December 18, 2003.[6] Under the current fingerprinting procedure, the Exchange staff manually rolls the fingerprints and submits the fingerprint cards to the FBI.[7] The Exchange was recently notified that the FBI would no longer accept card stocks of fingerprints due to the high costs associated with processing these submissions, thereby requiring that all fingerprints be submitted in an electronic format for processing.[8] The FBI requires a minimum of 3,000 submissions per year in order to maintain a direct FBI connection for electronic fingerprint processing. However, the Exchange's annual volume of fingerprint submissions is approximately 200 per year. Because this is a mere fraction of the minimum requirement set forth by the FBI, it is necessary that the ISE engage an FBI-authorized Channel Partner for these services in order to comply with applicable state and federal law.[9] Accordingly, the Exchange is now proposing to utilize a Live-Scan electronic fingerprinting system, as mentioned above. Any Live-Scan system utilized by the Exchange will have been certified by the FBI for compliance with the FBI's Integrated Automated Fingerprint Identification System (''IAFIS'') [10] image quality specifications. The Live-Scan system will electronically capture and transmit fingerprints to the FBI for processing and transmit fingerprint reports back to the ISE.[11] The Live-Scan system will be maintained by an FBI-approved Channel Partner [12] and operated by a qualified Channel Partner representative. The Exchange notes that at least one other exchange employs the same method for processing fingerprints electronically.[13]

The procedural change that ISE is proposing under its existing rule is concerned with the constitution of a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of ISE and ISE believes that it is therefore eligible to be filed pursuant to section 19(b)(3)(A)(i) of the Act [14] and Rule 19b–4(f)(1) [15] thereunder. The Exchange believes that this proposed procedural change under the existing rule is necessary in order to ensure the Exchange's continued compliance with its Rules and applicable state and federal law.[16]

2. Statutory Basis

The Exchange believes that its proposal is consistent with the Act [17] and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act. Specifically, the Exchange believes the proposed procedural change under Rule 1408 is consistent with the Section 6(b)(5) [18] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in

[3] *See* Securities Exchange Act Release No. 69496 (May 2, 2013), 78 FR 26671 (May 7, 2013), (Notice of filing and immediate effectiveness of a proposed Chicago Board Options Exchange (''CBOE'') rule change relating to fingerprint-based background checks (SR–CBOE–2013–044)); Rule 28 of the New York Stock Exchange (''NYSE''); Rule 0140 of the Nasdaq Stock Market, Inc. (''Nasdaq''); and Securities Exchange Act Release No. 50157 (August 5, 2004), 69 FR 49924 (August 12, 2004) (policy adopted by the Financial Industry Regulatory Authority (''FINRA''), formerly known as National Association of Securities Dealers, Inc. (''NASD''), to conduct fingerprint-based background checks of NASD employees and independent contractors).

[4] Live-Scan refers to the process of capturing fingerprints directly into a digitized format as opposed to traditional ink and paper methods. Using Live-Scan technology, images are captured and transmitted to a central location and/or interface for identification processing. Certified Live-Scan systems produce consistent high quality fingerprint images, thereby reducing rejection rates and lowering turnaround times. Live-Scan systems are used by law enforcement agencies for processing criminal fingerprint records and in government and commercial markets for applicant employment background checks.

[5] *See Supra* note 1.

[6] *See* Securities Exchange Act Release No. 48840 (November 25, 2003), 68 FR 67711 (December 3, 2003) (SR–ISE–2003–29).

[7] The Exchange notes that two to three weeks generally elapses between the time when the ISE submits fingerprint cards and when ISE received [sic] fingerprint reports.

[8] The Exchange was grandfathered into this process during the FBI's transition to utilizing an electronic system to obtain fingerprints, but now must transition into utilizing an electronic fingerprinting system as required by the FBI.

[9] N.Y. Gen. Bus. Law § 359–e (McKinney); 15 U.S.C. 78q(f)(2); 17 CFR 240.17f–2(c), respectively.

[10] The IAFIS, which was launched in July 1999, was developed to offer rapid suspect identification to law enforcement agencies and organizations where criminal background histories are a critical factor in consideration for employment. Because fingerprint cards must be physically transported and processes, substantial delays can be experienced in the identification cycle. To improve the speed and accuracy of the fingerprint identification process and eliminate the need for contributing agencies to create and mail paper fingerprint cards to the FBI for processing, the FBI Criminal Justice Information Services Division developed the IAFIS to support the paperless submission of fingerprint records. IAFIS provides Federal, state and local criminal justice agencies the ability to electronically transmit fingerprint information, vastly improving response time.

[11] The Exchange estimates that under this proposed change approximately two days will elapse between when ISE submits electronic fingerprints and when the FBI returns fingerprint reports to the ISE.

[12] FBI-approved Channel Partners receive the fingerprint submission and relevant data, collect the associated fee(s), electronically forward the fingerprint submission with the necessary information to the FBI Criminal Justice Information Services Division (''CJIS'') for a national Criminal History Summary check, and receive the electronic summary check result for dissemination to the individual. An FBI-approved Channel Partner simply helps expedite the delivery of Criminal History Summary information on behalf of the FBI. The process for making a request through an FBI-approved Channel Partner is consistent with FBI submission procedures.

[13] *See* Securities Exchange Act Release Nos. 46467 (September 6, 2002), 67 FR 58088 (September 13, 2002), (Approval of CBOE using electronic system for submitting fingerprints under its fingerprinting plan), as corrected by 46467A (December 19, 2002), 67 FR 79195 (December 27, 2002).

[14] 15 U.S.C. 78s(b)(3)(A)(i).

[15] 17 CFR 240.19b–4(f)(1).

[16] *See Supra* note 9.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

general, to protect investors and the public interest.

In particular, the Exchange believes that fingerprint-based background checks via a Live-Scan system of directors, officers, employees and contractors is consistent with the foregoing requirements of Section 6(b)(5) in that it will allow ISE to remain compliant with the requirements of its Rule 1408 and applicable state and federal laws.[19] Continuing to run fingerprint-based background checks is imperative for the Exchange as they help ISE identify and exclude persons with felony or misdemeanor conviction records that may pose a threat to the safety of Exchange personnel or the security of facilities and records, thereby enhancing business continuity, workplace safety and the security of the Exchange's operations and helping to protect investors and the public interest. Additionally, the proposed procedural change will allow ISE to employ the same fingerprinting method currently employed by at least one other SRO.[20]

For the foregoing reasons, the Exchange believes that the proposed procedural change under the existing rule is appropriate in order to ensure continued compliance with applicable state and federal laws.[21]

B. Self-Regulatory Organization's Statement on Burden on Competition

ISE does not believe that the proposed procedural change under the rule will impose any burden on competition that is not necessary or appropriate in the furtherance of the purposes of the Act. The proposed procedural change under the rule would enhance the security of the Exchange's facilities and records without adding any burden on market participants and allow the Exchange continued compliance with its fingerprinting rules and with Section 17(f)(2) of the Act as amended by the Dodd-Frank Act.[22]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

[19] *See Supra* note 9.

[20] *See Supra* note 13.

[21] *See Supra* note 9.

[22] *See* Section 929S of the Dodd-Frank Act.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change will take effect upon filing with the Commission pursuant to Section 19(b)(3)(A)(i) of the Act[23] and Rule 19b–4(f)(1) thereunder,[24] because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *http://www.sec.gov/rules/sro.shtml);* or
- Send an Email to *rule-comments@sec.gov.* Please include File No. SR–ISE–2013–66 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–ISE–2013–66. 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 Commissions Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. 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–ISE–2013–66 and should be submitted by January 8, 2014.

[23] 15 U.S.C. 78s(b)(3)(A)(i).

[24] 17 CFR 240.19b–4(f)(1).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30049 Filed 12–17–13; 8:45 am]

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[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71067; File No. SR–NYSEArca–2013–105]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the SPDR MFS Systematic Core Equity ETF, SPDR MFS Systematic Growth Equity ETF, and SPDR MFS Systematic Value Equity ETF Under NYSE Arca Equities Rule 8.600

December 12, 2013.

I. Introduction

On October 10, 2013, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the SPDR MFS Systematic Core Equity ETF, SPDR MFS Systematic Growth Equity ETF, and SPDR MFS Systematic Value Equity ETF (each a ''Fund'' and, collectively, the ''Funds'') under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on October 31,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2013.[3] On November 18, 2013, the Exchange filed Amendment No. 1 to the proposed rule change.[4]

The Commission received no comments on the proposal. The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons, and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposal [5]

The Exchange proposes to list and trade the Shares under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares.[6] The Shares will be offered by SSgA Active ETF Trust (the ''Trust''), which is organized as a Massachusetts business trust and is registered with the Commission as an open-end management investment company.[7] SSgA Funds Management, Inc. (the ''Adviser'' or ''SSgA FM'') will serve as the investment adviser to the Funds. Massachusetts Financial Services Company (the ''Sub-Adviser'' or ''MFS'') will be the sub-adviser for the Funds.[8] State Street Global Markets, LLC (the ''Distributor'' or ''Principal Underwriter'') will be the principal underwriter and distributor of the Funds' Shares. State Street Bank and Trust Company (the ''Administrator,'' ''Custodian'' or ''Transfer Agent'') will serve as administrator, custodian and transfer agent for the Funds.[9] According to the Exchange, the Adviser and Sub-Adviser are not registered as broker-dealers but are affiliated with one or more broker-dealers and have implemented a ''fire wall'' with respect to such broker-dealers regarding access to information concerning the composition and/or changes to the Funds' portfolios.[10]

A. Principal Investments (Under Normal Circumstances) [11]

1. SPDR MFS Systematic Core Equity ETF

The SPDR MFS Systematic Core Equity ETF's investment objective will be to seek capital appreciation. The Fund will invest substantially all of its assets in the SSgA MFS Systematic Core Equity Portfolio (the ''Core Equity Portfolio''), a separate series of the SSgA Master Trust with an identical investment objective as the Fund. As a result, the Fund will invest indirectly through the Core Equity Portfolio (as described below).[12]

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[3] *See* Securities Exchange Act Release No. 70754 (Oct. 25, 2013), 78 FR 65407 (''Notice'').

[4] In Amendment No. 1, the Exchange amended its proposal to provide additional details with respect to the net asset value (''NAV'') calculation of the Funds and the availability of price information for securities and other financial instruments held by the Funds. Specifically, in Amendment No. 1, the Exchange deleted the following sentence: ''Portfolio securities traded in the over-the-counter market will be valued at the last reported sale price on the valuation date'' and replaced it with the following language:

''Common stocks and equity securities (including shares of ETPs) traded on a national securities exchange generally will be valued at the last reported sale price or the official closing price on that exchange where the stock is primarily traded on the day that the valuation is made. Securities of investment companies (other than exchange-traded funds registered under the 1940 Act), including affiliated funds, money market funds and closed-end funds, will be valued at NAV.'' The Exchange also added the following language:

Unsponsored ADRs, which are traded in the over-the-counter market, will be valued at the last reported sale price from the OTC Bulletin Board or OTC Link LLC on the valuation date . . . TBA transactions, Rule 144A securities, repurchase agreements and reverse repurchase agreements will generally be valued at bid prices received from independent pricing services as of the announced closing time for trading in such instruments. Spot currency transactions will generally be valued at mid prices received from independent pricing service converted into U.S. dollars at current market rates on the date of valuation. Foreign currency forwards normally will be valued on the basis of quotes obtained from broker-dealers or third party pricing services.

Finally, with respect to the availability of price information for securities and other financial instruments held by the Funds, the Exchange added the following language:

Intra-day and closing price information regarding equity securities traded on a national securities exchange, including common stocks, preferred stocks, securities convertible into stocks, ETPs and REITs, will be available from the exchange on which such securities are traded. Intra-day and closing price information regarding unsponsored ADRs will be available from major market data vendors such as Bloomberg and Reuters. Intra-day and closing price information regarding fixed income securities, including municipal bonds, mortgage-backed securities, treasuries, corporate bonds, and foreign bonds, will be available from major market data vendors. Price information regarding investment company securities, TBA transactions, Rule 144A securities, repurchase agreements, reverse repurchase agreements, and foreign currency spot prices will be available from major market data vendors. Price information regarding foreign currency forwards will be available from major market data vendors.

[5] Additional information regarding the Funds; Shares; investment objective, strategies, methodology, and restrictions; risks; fees and expenses; creations and redemptions of Shares; availability of information; trading rules and halts; and surveillance procedures, among other things, can be found in the Registration Statement and in the Notice. *See* Notice *supra* note 3 and Registration Statement *infra* note 7, respectively.

[6] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[7] The Trust is registered under the 1940 Act. On December 21, 2012, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act''), and under the 1940 Act relating to the Funds (File Nos. 333–173276 and 811- 22542) (''Registration Statement''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the1940 Act. *See* Investment Company Act Release No. 29524 (December 13, 2010) (File No. 812–13487) (''Exemptive Order'').

[8] MFS is a subsidiary of Sun Life of Canada (U.S.) Financial Services Holdings, Inc., which in turn is an indirect majority owned subsidiary of Sun Life Financial Inc. (a diversified financial services organization).

[9] The Commission has previously approved listing and trading on the Exchange of a number of actively managed funds under Rule 8.600. *See, e.g.,* Securities Exchange Act Release Nos. 57801 (May 8, 2008), 73 FR 27878 (May 14, 2008) (SR–NYSEArca-2008–31) (order approving Exchange listing and trading of twelve actively-managed funds of the WisdomTree Trust); 60460 (August 7, 2009), 74 FR 41468 (August 17, 2009) (SR–NYSEArca-2009–55) (order approving listing of Dent Tactical ETF); 62502 (July 15, 2010), 75 FR 42471 (July 21, 2010) (SR–NYSEArca-2010–57) (order approving listing of AdviserShares WCM/BNY Mellon Focused Growth ADR ETF); 63076 (October 12, 2010), 75 FR 63874 (October 18, 2010) (SR–NYSEArca-2010–79) (order approving listing of Cambria Global Tactical ETF).

[10] *See* NYSE Arca Equities Rule 8.600, Commentary .06. In the event (a) the Adviser or Sub-Adviser becomes a registered broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, they will implement a fire wall with respect to their relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to a portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

[11] The term ''under normal circumstances'' includes, but is not limited to, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. In the absence of normal circumstances, a Fund may (either directly or through the corresponding Portfolio (as described below) temporarily depart from its normal investment policies and strategies provided that the alternative is consistent with a Fund's investment objective and is in the best interest of a Fund. For example, a Fund may hold a higher than normal proportion of its assets in cash in times of extreme market stress.

[12] According to the Registration Statement, the Funds are intended to be managed in a ''master-feeder'' structure, under which each Fund will invest substantially all of its assets in, respectively, the Core Equity Portfolio, and, as described further below, the SSgA MFS Systematic Growth Equity Portfolio or the SSgA MFS Systematic Value Equity Portfolio (each of which is also referred to herein as ''Portfolio'' and, collectively, the ''Portfolios'').

The Adviser or Sub-Adviser, with respect to the Core Equity Portfolio, will invest at least 80% of such Portfolio's net assets (plus the amount of borrowings for investment purposes) in equity securities. Equity securities in which the Portfolio may invest include common stocks, preferred stocks, securities convertible into stocks, and real estate investment trusts (''REITs''). REITs pool investors' funds for investment primarily in income producing real estate or real estate loans or interests.

The Adviser or Sub-Adviser may invest in exchange-traded products (''ETPs'').[13] ETPs include exchange-traded funds registered under the 1940 Act; exchange-traded commodity trusts; and exchange-traded notes (''ETNs'').[14] The Adviser or Sub-Adviser may invest up to 20% of its total assets in one or more ETPs that are qualified publicly traded partnerships (''QPTPs'') and whose principal activities are the buying and selling of commodities or options, futures, or forwards with respect to commodities.

2. SPDR MFS Systematic Growth Equity ETF

The SPDR MFS Systematic Growth Equity ETF's investment objective will be to seek capital appreciation. The Fund will invest substantially all of its assets in the SSgA MFS Systematic Growth Equity Portfolio (the ''Growth Equity Portfolio''), a separate series of the SSgA Master Trust with an identical investment objective as the Fund. As a result, the Fund will invest indirectly through the Growth Equity Portfolio.

With respect to the Growth Equity Portfolio, the Adviser or Sub-Adviser will invest at least 80% of such Portfolio's net assets (plus the amount of borrowings for investment purposes) in equity securities. Equity securities in which the Growth Equity Portfolio may invest include common stocks, preferred stocks, securities convertible into stocks, and REITs.

The Adviser or Sub-Adviser may invest in ETPs.[15] The Adviser or Sub-Adviser may invest up to 20% of the Fund's total assets in one or more ETPs that are QPTPs and whose principal activities are the buying and selling of commodities or options, futures, or forwards with respect to commodities.

3. SPDR MFS Systematic Value Equity ETF

The SPDR MFS Systematic Value Equity ETF's investment objective will be to seek capital appreciation. The Fund will invest substantially all of its assets in the SSgA MFS Systematic Value Equity Portfolio (the ''Value Equity Portfolio''), a separate series of the SSgA Master Trust with an identical investment objective as the Fund. As a result, the Fund will invest indirectly through the Value Equity Portfolio.

The Adviser or Sub-Adviser, with respect to the Value Equity Portfolio, will invest at least 80% of such Portfolio's net assets (plus the amount of borrowings for investment purposes) in equity securities. Equity securities in which the Value Equity Portfolio may invest include common stocks, preferred stocks, securities convertible into stocks, and REITs.

The Adviser or Sub-Adviser may invest in ETPs.[16] The Adviser or Sub-Adviser may invest up to 20% of the Fund's total assets in one or more ETPs that are QPTPs and whose principal activities are the buying and selling of commodities or options, futures, or forwards with respect to commodities.

B. Other Investments (Under Normal Circumstances)

The Adviser or Sub-Adviser, with respect to each Portfolio, may invest up to 20% of a Portfolio's net assets in other securities and financial instruments. A Fund may (indirectly through its investments in the respective Portfolio or, in extraordinary circumstances, directly) invest in these securities and financial instruments.

Each Portfolio may invest in bonds, including corporate bonds and collateralized loan obligations (''CLOs''). While the assets underlying CLOs are typically ''senior loans,'' the assets may also include (i) unsecured loans, (ii) other debt securities that are rated below investment grade, (iii) debt tranches of other CLOs and (iv) equity securities incidental to investments in senior loans. Each Portfolio may invest up to 10% of a Portfolio's net assets in high yield debt securities.

The Portfolios may purchase U.S.-listed common stocks and U.S.-listed preferred securities of foreign corporations, as well as U.S. registered, dollar-denominated bonds of foreign corporations, governments, agencies and supra-national entities. Each Portfolio may purchase investments in common stock of foreign corporations in the form of depositary receipts, including American Depositary Receipts (''ADRs''), Global Depositary Receipts (''GDRs'') and European Depositary Receipts (''EDRs'').[17]

Each Portfolio may invest in sovereign debt, which may be in the form of conventional securities or other types of debt instruments such as loans or loan participations. Each Portfolio may invest in U.S. Government obligations. U.S. Government obligations include securities issued or guaranteed as to principal and interest by the U.S. Government, its agencies or instrumentalities.

The Portfolios may invest in variable and floating rate securities. A variable rate security provides for the automatic establishment of a new interest rate on set dates. The Portfolios may also purchase floating rate securities. A floating rate security provides for the automatic adjustment of its interest rate whenever a specified interest rate changes. Interest rates on these securities are ordinarily tied to, and are a percentage of, a widely recognized interest rate, such as the yield on 90-day U.S. Treasury bills or the prime rate of a specified bank. Each Portfolio may also invest in Variable Rate Demand Obligations, which are short-term tax-exempt fixed income instruments whose yield is reset on a periodic basis.

The Portfolios may invest in inflation-protected public obligations, commonly known as ''TIPS,'' of the U.S. Treasury,

Each Portfolio is a ''master fund, which is a separate mutual fund that has an identical investment objective to its respective Portfolio. As a result, each Fund (*i.e.,* a ''feeder fund'') has an indirect interest in all of the securities owned by the corresponding Portfolio. Because of this indirect interest, each Fund's investment returns should be the same as those of the corresponding Portfolio, adjusted for the expenses of a Fund. In extraordinary instances, each Fund reserves the right to make direct investments in securities. Each Fund may discontinue investing through the master-feeder arrangement and pursue its investment objectives directly if the Fund's Board of Trustees determines that doing so would be in the best interests of shareholders.

[13] For each of the Portfolios, ETPs include Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Index-Linked Securities (as described in NYSE Arca Equities Rule 5.2(j)(6)); Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100); Trust Issued Receipts (as described in NYSE Arca Equities Rule 8.200); Commodity-Based Trust Shares (as described in NYSE Arca Equities Rule 8.201); Currency Trust Shares (as described in NYSE Arca Equities Rule 8.202); Commodity Index Trust Shares (as described in NYSE Arca Equities Rule 8.203); Trust Units (as described in NYSE Arca Equities Rule 8.500); Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600), and closed-end funds. The ETPs all will be listed and traded in the U.S. on registered exchanges. While the Funds may invest in inverse ETPs, the Funds will not invest in leveraged or inverse leveraged ETPs (*e.g.,* 2X or 3X).

[14] ETNs are debt obligations of investment banks which are traded on exchanges and the returns of which are linked to the performance of market indexes. In addition to trading ETNs on exchanges, investors may redeem ETNs directly with the issuer on a weekly basis, typically in a minimum amount of 50,000 units, or hold the ETNs until maturity.

[15] *See* note 13, *supra.*

[16] *See* note 13, *supra.*

[17] A Portfolio may invest in unsponsored ADRs. Not more than 10% of the net assets of a Fund will be invested in unsponsored ADRs.

as well as TIPS of major governments and emerging market countries, excluding the United States.

The Portfolios may each invest in U.S. agency mortgage pass-through securities primarily through the use of ''to-be-announced'' or ''TBA transactions.'' TBA transactions generally are conducted in accordance with widely-accepted guidelines which establish commonly observed terms and conditions for execution, settlement and delivery. In a TBA transaction, the buyer and seller decide on general trade parameters, such as agency, settlement date, par amount, and price.[18]

The Portfolios may invest up to 15% of net assets in asset-backed and commercial mortgaged-backed securities. Both asset-backed and commercial mortgage-backed securities represent interests in ''pools'' of assets in which payments of both interest and principal on the securities are made on a regular basis. The payments are, in effect, ''passed through'' to the holder of the securities (net of any fees paid to the issuer or guarantor of the securities).

Each Portfolio may invest in restricted securities. Restricted securities are securities that are not registered under the Securities Act, but which can be offered and sold to ''qualified institutional buyers'' under Rule 144A under the Securities Act.[19]

The Portfolios may conduct foreign currency transactions on a spot (*i.e.,* cash) or forward basis (*i.e.,* by entering into forward contracts to purchase or sell foreign currencies). At the discretion of the Adviser, the Portfolios may enter into forward currency exchange contracts for hedging purposes to help reduce the risks and volatility caused by changes in foreign currency exchange rates, or to gain exposure to certain currencies.

Each Portfolio may invest a portion of its assets in Build America Bonds.[20]

Each Portfolio may invest in repurchase agreements with commercial banks, brokers or dealers to generate income from its excess cash balances and to invest securities lending cash collateral. Each Portfolio may also enter into reverse repurchase agreements, which involve the sale of securities with an agreement to repurchase the securities at an agreed-upon price, date and interest payment and have the characteristics of borrowing. The securities purchased with the funds obtained from the agreement and securities collateralizing the agreement will have maturity dates no later than the repayment date. In addition to repurchase agreements, each Portfolio may invest in short-term instruments, including money market instruments, (including money market funds advised by the Adviser), cash and cash equivalents, on an ongoing basis to provide liquidity or for other reasons.[21] Each Portfolio may also invest in commercial paper.

Each Portfolio may invest in the securities of other investment companies, including affiliated funds, money market funds and closed-end funds, subject to applicable limitations under Section 12(d)(1) of the 1940 Act. Each Fund will invest substantially all of its assets in the corresponding Portfolio.

C. Fund Investment Restrictions

Each Portfolio will be classified as ''diversified.'' [22] The Portfolios do not intend to concentrate their investments in any particular industry.[23] The Portfolios intend to qualify for and to elect treatment as a separate regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code.[24]

Each Portfolio may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser or Sub-Adviser, consistent with Commission guidance. The Portfolios will monitor their respective portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of a Fund's net assets are held in illiquid securities. Illiquid securities include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

Neither the Funds nor the Portfolios will invest in options contracts, futures contracts, or swap agreements.

With the exception of unsponsored ADRs, which will comprise no more than 10% of a Fund's net assets, all equity securities in which the Funds may invest will trade on markets that are members of the Intermarket Surveillance Group (''ISG'') or that have entered into a comprehensive surveillance agreement with the Exchange.[25]

Each Fund's investments will be consistent with its respective investment objective and will not be used to enhance leverage.

II. Discussion and Commission's Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[26] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,[27] which requires, among other things, that the Exchange's rules be designed to promote just and equitable

[18] To minimize the risk of default by a counterparty, a Portfolio will enter into TBA transactions only with established counterparties (such as major broker-dealers) and the Adviser will monitor the creditworthiness of such counterparties.

[19] 15 U.S.C. 77a.

[20] Build America Bonds offer an alternative form of financing to state and local governments whose primary means for accessing the capital markets has historically been through the issuance of tax-free municipal bonds. Issuance of Build America Bonds ceased on December 31, 2010. The Build America Bonds outstanding continue to be eligible for the federal interest rate subsidy, which continues for the life of the Build America Bonds; however, no bonds issued following expiration of the Build America Bond program are eligible for the federal tax subsidy.

[21] Money market instruments are generally short-term investments that may include but are not limited to: (i) Shares of money market funds (including those advised by the Adviser); (ii) obligations issued or guaranteed by the U.S. Government, its agencies or instrumentalities (including government-sponsored enterprises); (iii) negotiable certificates of deposit (''CDs''), bankers' acceptances, fixed time deposits and other obligations of U.S. and foreign banks (including foreign branches) and similar institutions; (iv) commercial paper rated at the date of purchase ''Prime-1'' by Moody's Investor's Service or ''A–1'' by Standard & Poor's, or if unrated, of comparable quality as determined by the Adviser; (v) non-convertible corporate debt securities (*e.g.,* bonds and debentures) with remaining maturities at the date of purchase of not more than 397 days and that satisfy the rating requirements set forth in Rule 2a–7 under the 1940 Act; and (vi) short-term U.S. dollar-denominated obligations of foreign banks (including U.S. branches) that, in the opinion of the Adviser, are of comparable quality to obligations of U.S. banks which may be purchased by a Portfolio. Commercial paper consists of short-term, promissory notes issued by banks, corporations and other entities to finance short-term credit needs. Any of these instruments may be purchased on a current or a forward-settled basis.

[22] The diversification standard is set forth in Section 5(b)(1) of the 1940 Act (15 U.S.C. 80a–5(b)(1)).

[23] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[24] 26 U.S.C. 851 *et seq.*

[25] *See* note 38, *infra.*

[26] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[27] 15 U.S.C. 78f(b)(5).

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. The Commission notes that the Fund and the Shares must comply with the requirements of NYSE Arca Equities Rule 8.600 to be listed and traded on the Exchange.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Exchange Act,[28] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. The Portfolio Indicative Value (''PIV''), as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated at least every 15 seconds during the Core Trading Session through one or more major market data vendors.[29]

Intra-day and closing price information regarding equity securities traded on a national securities exchange, including common stocks, preferred stocks, securities convertible into stocks, ETPs and REITs, will be available from the exchange on which such securities are traded. Intra-day and closing price information regarding unsponsored ADRs will be available from major market data vendors such as Bloomberg and Reuters.[30] Intra-day and closing price information regarding fixed income securities, including municipal bonds, mortgage-backed securities, treasuries, corporate bonds, and foreign bonds, will be available from major market data vendors.[31] Price information regarding investment company securities, TBA transactions, Rule 144A securities, repurchase agreements, reverse repurchase agreements, and foreign currency spot prices will be available from major market data vendors. Price information regarding foreign currency forwards will be available from major market data vendors.[32]

On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Funds will disclose on their Web site the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) that will form the basis for the Funds' calculation of NAV at the end of the business day.[33] The NAV of each Fund will be calculated by the Custodian and determined at the close of the regular trading session on the New York Stock Exchange (''NYSE'') (ordinarily 4:00 p.m. Eastern time on each day that such exchange is open, provided that fixed-income assets (and, accordingly, a Fund's NAV) may be valued as of the announced closing time for trading in fixed-income instruments on any day that the Securities Industry and Financial Markets Association (or applicable exchange or market on which a Portfolio's investments are traded) announces an early closing time. The Web site for the Funds will include a form of the prospectus for the Funds and additional data relating to NAV and other applicable quantitative information.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. Trading in Shares of the Funds will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable,[34] and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of a Fund may be halted.[35] The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees. Consistent with NYSE Arca Equities Rule 8.600(d)(2)(B)(ii), the Adviser, as the Reporting Authority, must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of each Fund's portfolio.[36] The Exchange states that the Adviser and Sub-Adviser, neither of which is registered as a broker-dealer, have implemented a ''fire wall'' with respect to affiliated broker-dealers regarding access to information concerning the composition and/or changes to the Funds' portfolios. Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. The Commission notes that the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange,[37] will communicate as needed regarding trading in the Shares and exchange-traded securities underlying the Shares with other markets and other entities that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement (''CSSA'').[38]

The Exchange represents that the Shares are deemed to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made representations, including:

(1) The Shares will conform to the initial and continuing listing criteria under NYSE Arca Equities Rule 8.600.

(2) The Exchange represents that trading in the Shares will be subject to the existing trading surveillances,

[28] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[29] *See* Notice, *supra* note 3, 78 FR at 65413. According to the Exchange, several major market data vendors display and/or make widely available PIVs taken from CTA or other data feeds.

[30] *See* Amendment No. 1, *supra* note 4.

[31] *See id.*

[32] *See id.*

[33] Under accounting procedures followed by the Funds, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Funds will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[34] These reasons may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments composing the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

[35] *See* NYSE Arca Equities Rule 8.600(d)(2)(D).

[36] *See* NYSE Arca Equities Rule 8.600(d)(2)(B)(ii).

[37] The Exchange states that, while FINRA surveils trading on the Exchange pursuant to a regulatory services agreement, the Exchange is responsible for FINRA's performance under this regulatory services agreement.

[38] For a list of the current members of ISG, see *http://www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio for the Funds may trade on markets that are members of ISG or with which the Exchange has in place a CSSA.

administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws and that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

(3) Except for up to 10% of unsponsored ADRs, all equity securities that the Funds will invest in will trade in markets that are members of the ISG or are parties to a CSSA with the Exchange.

(4) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(5) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) The procedures for purchases and redemptions of Shares in creation units (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated PIV will not be calculated or publicly disseminated; (d) how information regarding the PIV is disseminated; (e) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(6) For initial and continued listing, the Funds will be in compliance with Rule 10A–3 under the Exchange Act,[39] as provided by NYSE Arca Equities Rule 5.3.[40]

(7) Neither the Funds nor the Portfolios will invest in options contracts, futures contracts, or swap agreements.

(8) Each Fund's investments will be consistent with its respective investment objective and will not be used to enhance leverage.

(9) Each Portfolio may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser or Sub-Adviser.

(10) A minimum of 100,000 Shares for each Fund will be outstanding at the commencement of trading on the Exchange.

This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice, and the Exchange's description of the Funds.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 1 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 No. SR–NYSEArca–2013–105 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 No. SR–NYSEArca–2013–105. 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 Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NYSEArca–2013–105 and should be submitted on or before January 8, 2014.

IV. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

As discussed above,[41] through Amendment No. 1, the Exchange revises the proposed rule change by providing greater detail about how the Funds' NAVs are calculated and the availability of price information regarding the Funds' holdings. The Commission believes that Amendment No. 1 provides more support for the Exchange's contention that its proposed rule change consistent with the Section 6(b)(5) of the Act.[42] In particular, Amendment No. 1 provides: (1) Greater clarity regarding the valuation of the Shares; and (2) information regarding the ability of market participants to independently value the Shares. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[43] to approve the proposed rule change, as modified by Amendment No. 1, prior to the 30th day after the date of publication of notice in the **Federal Register**.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[44] that the proposed rule change (SR–NYSEArca-2013–105), as modified by Amendment No. 1, is hereby approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[45]

Kevin M. O'Neill,

Deputy Secretary.

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[39] 17 CFR 240.10A–3.

[40] *See* Notice, *supra* note 3, 78 FR at 65414.

[41] *See* note 4, *supra.*

[42] 15 U.S.C. 78s(b)(5).

[43] 15 U.S.C. 78s(b)(2).

[44] 15 U.S.C. 78s(b)(2).

[45] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71057; File No. SR–CHX–2013–21]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit the Reporting of Odd Lot Transactions for Inclusion on the Consolidated Tape and Clarify the Operation of the Market Order Type

December 12, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on December 9, 2013, the Chicago Stock Exchange, Inc. (''CHX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the CHX. CHX has filed this proposal pursuant to Exchange Act Rule 19b–4(f)(6) [3] which is effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CHX proposes to amend Article 20, Rule 8(g) (Operation of the Matching System) to permit the reporting of odd lot transactions for inclusion on the consolidated tape·, in light of the approval of an amendment to the Consolidated Tape Association Plan (''CTA Plan'') by the Securities and Exchange Commission (the ''Commission'') pursuant to Rule 608 of Regulation NMS under the Act. The Exchange also proposes to amend Article 1, Rule 2(a)(3) (Order Types, Modifiers, and Related Terms) to amend the definition of ''market'' orders in light of the anticipated market-wide reporting of odd lot transactions.

The text of this proposed rule change is available on the Exchange's Web site at (*www.chx.com*) and in 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 CHX included statements concerning the purpose of and basis for the proposed rule changes [sic] 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 CHX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On September 9, 2013, the Exchanges and the Financial Industry Regulatory Authority (''FINRA'') (collectively, the ''Participants'') filed with the Commission an amendment to the CTA Plan proposing to permit the reporting of odd lot transactions to the consolidated tape, which was published for notice on September 17, 2013.[4] After receiving no comment letters in response to the Notice, the Commission approved the proposed amendment on October 31, 2013.[5]

In sum, the Commission approved the proposed removal of odd lot transactions from the list of transactions, under Section VI(d) of the CTA Plan, that are not to be reported for inclusion on the consolidated tape. Specifically, the Commission stated that ''odd lot transactions account for a not insignificant percentage of the trading volume'' and inclusion of ''odd lot transactions on the consolidated tape of CTA last sale prices would add post-trade transparency to the marketplace.'' [6] Consequently, odd lot transactions that are reported for inclusion on the consolidated tape will be included in calculations of daily consolidated volume and will be subject to the same calculations as round lot transactions are currently subject [sic] (*i.e.,* ''qualified transaction report'' calculations) for the purposes of allocating trade revenue among the Participants under the CTA Plan.[7]

This amendment to the CTA Plan will be operative December 9, 2013.

Proposed Article 20, Rule 8(g)

The Exchange proposes to amend Article 20, Rule 8(g) to provide that the Exchange shall report each transaction that occurs within the Matching System to the appropriate consolidated reporting system.[8] Specifically, the Exchange proposes to remove reference to ''round lot'' transactions since the CTA Plan now permits the reporting odd lot transactions. Moreover, the Exchange proposes to delete redundant language concerning the reporting of executions of resting odd lot orders that have been aggregated into round lots for display purposes.[9] Pursuant to the CTA Plan amendment, all executions will be reported to the tape, notwithstanding the size of the execution or the size of the resting order that was executed.

Proposed Article 1, Rule 2(a)(3)

The Exchange's Matching System is designed to begin accepting market orders in a security once the primary market prints the first transaction in the security that is at least a round lot. Thus, current Article 1, Rule 2(a)(3) provides that the Exchange shall not accept market orders in a security until (i) the primary market in a security has opened trading in that security or (ii) two senior officers of the Exchange have determined that it is appropriate for the Exchange to accept IOC market orders. In light of the anticipated inclusion of odd lot transactions on the consolidated tape and operation of the Matching System, the Exchange proposes to amend Article 1, Rule 2(a)(3) to clarify that for the purposes of determining when to accept market orders, the primary market will be considered to have opened for trading in a security when the first trade in that security *that is at least a round lot,* occurs in that market on or after 8:30 a.m. Central

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Securities Exchange Act Release No. 70428 (September 17, 2013), 78 FR 58362 (September 23, 2013) (SR–CTA–2013–05) (''Notice of Filing of the Eighteenth Substantive Amendment to the Second Restatement of the CTA Plan'').

[5] *See* Securities Exchange Act Release No. 70794 (October 31, 2013), 78 FR 66789 (November 6, 2013) (SR–CTA–2013–05) (''Order Approving the Eighteenth Substantive Amendment to the Second Restatement of the CTA Plan'').

[6] *Id.*

[7] Due to the lack of economic significance of many individual odd lot orders, odd lot bids and offers will not be included in the best bid and offer calculations that the Participants make available under the Consolidate Quote Plan. For the same reason, odd lot transactions will not be included in calculations of last sale price, will not be included in high and low price calculations, will not be subject to Limit Up-Limit Down rules, and will not trigger short sale restrictions or trading halts. *See supra* note 5.

[8] The Exchange notes that with the removal of odd lot transactions from Section VI(d) of the CTA Plan, the Exchange does not execute any transactions that would not be permitted to be reported for inclusion on the consolidated tape.

[9] Article 20, Rule 8(d)(3) states as follows: Odd lot orders and unexecuted odd lot remainders that are unable to be immediately displayed according to Rule 8(b)(6) above (because they are at a price that is better than the current CHX quote) shall either remain in, or be rejected from, the Exchange's Matching System according to each Participant's instructions. Orders remaining in the Matching System will continue to be ranked at the price and time at which they were originally received. Orders that are rejected from the Matching System shall be routed away according to Rule 8(h) below or, if designated ''do not route,'' automatically cancelled.

Standard Time. Given that substantial resources would have to be dedicated to make any changes to the operation of any order type, the Exchange proposes to clarify the current operation of the market order type, as opposed to modifying its operation to also consider an odd lot trade to be an opening transaction on the primary market.[10]

2. Statutory Basis

The proposed rule change to permit the reporting of odd lot transactions for inclusion on the consolidated tape is consistent with Rule 608(c) of Regulation NMS,[11] which requires the Exchange, as a sponsor and participant to an effective national market system plan, namely the CTA Plan, to comply with the terms of the Plan, as submitted to the Commission on September 9, 2013 [12] and approved by the Commission on October 31, 2013,[13] pursuant to Rule 608(b)(2) of Regulation NMS.[14]

Moreover, the proposed rule changes are [sic] consistent with Section 6(b) of the Act [15] in general, and furthers the objectives of Section 6(b)(5) [16] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transaction in securities, to remove impediments and perfect the mechanisms of a free and open market, and, in general, to protect investors and the public interest. Specifically, the Exchange believes that the proposed rule change to permit the reporting of odd lot transactions for inclusion on the consolidated tape supports the objectives of the Act by providing harmonization between CHX Rules and rules of all other organization subject to the requirements of the Plan, so as to promote uniformity across markets concerning the permissibility of reporting odd lot transactions for inclusion on the consolidated tape. Such uniformity would also result in less burdensome and more efficient regulatory compliance. Moreover, the proposed amendment to amend the definition of ''market'' orders also supports the objectives of the Act by clarifying the operation of the Matching System and, specifically, the conditions required for the Exchange to begin accepting market orders in a security. In addition, the Exchange submits that the proposed rules are consistent with the protection of investors and the public interest in that the proposed rules will promote investor confidence by providing greater post-trade transparency to the market.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that since all plan Participants will be permitted to report odd lot transactions for inclusion on the consolidated tape, the Participants will be able to make similar amendments to their rules, pursuant to Rule 19b–4 under the Act.[17]

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

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [18] and Rule 19b–4(f)(6) thereunder.[19] Because the 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, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[20]

A proposed rule change filed under Rule 19b–4(f)(6) [21] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(ii),[22] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative as of December 9, 2013, which is the current operative date of the CTA Plan amendment proposed by the Participants. According to the Exchange, encouraging competitors to provide higher quality and better value is the essence of a well-functioning competitive marketplace. The Exchange stated that it provides these services in a highly competitive market in which market participants may avail themselves of a wide variety of options offered by self-regulatory organizations, alternative trading systems and other broker-dealers. As such, the Exchange's proposed reporting of odd lot transactions for inclusion on the consolidated tape and amendment to the definition of ''market'' orders does not burden competition and is consistent with the public interest because such amendments can be adopted by the other Participants pursuant to the CTA Plan amendment and it would promote order flow to the Exchange only if it offers market participants an incentive to utilize the Exchange's services over its competitors. The Commission is waiving the 30-day operative delay so that CHX's rules are consistent with the terms of the CTA Plan such that odd lot trades can be reported effective December 9, 2013, which is consistent with the public interest. Therefore, the Commission designates the proposal as operative upon filing.[23]

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 under Section 19(b)(2)(B) [24] of the Act 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 proposal is consistent with the Act. Comments may

[10] As of December 9, 2013, the Exchange has no NMS securities primarily listed on the Exchange.

[11] 17 CFR 242.608(c).

[12] *See supra* note 4.

[13] *See supra* note 5.

[14] 17 CFR 242.608(b)(2).

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] 17 CFR 240.19b–4.

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6).

[22] 17 CFR 240.19b–4(f)(6)(ii).

[23] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[24] 15 U.S.C. 78s(b)(2)(B).

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–CHX–2013–21 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–CHX–2013–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CHX–2013–21 and should be submitted on or before January 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30041 Filed 12–17–13; 8:45 am]

BILLING CODE 8011–01–P

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71064; File No. SR–Phlx–2013–117]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the Pricing Schedule

December 12, 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 29, 2013, NASDAQ OMX PHLX LLC (''Phlx'' 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 Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule with respect to: (i) The Customer[3] Rebate Program in Section B; (ii) Simple Order pricing in Section I entitled Rebates and Fees for Adding and Removing Liquidity in SPY;[4] (iii) certain pricing in Section II related to Multiply Listed Options Fees;[5] (iv) pricing in Section III entitled Singly Listed Options; (v) and pricing in Section IV, entitled ''Other Transaction Fees,'' to amend PIXL[6] Pricing.

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on December 2, 2013.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Rule 1000(b)(14)).

[4] Options overlying Standard and Poor's Depositary Receipts/SPDRs (''SPY'') are based on the SPDR exchange-traded fund (''ETF''), which is designed to track the performance of the S&P 500 Index.

[5] The pricing in Section II includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed.

[6] PIXL is the Exchange's price improvement mechanism known as Price Improvement XL or (PIXL℠). *See* Rule 1080(n).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend various sections of its Pricing Schedule. Specifically, the Exchange proposes to amend its Customer Rebate Program at Section B of the Pricing Schedule. The Exchange is amending the types of transactions in Category A and Category B which are subject to the rebate. The Exchange proposes to amend the Simple Order Fees for Removing Liquidity in Section I which are applicable to transactions overlying SPY. The Exchange proposes to amend various Options Transaction Charges in Section II in both Penny and non-Penny PilotOptions and also amend the Electronic Firm Fee Discount.[7] The Exchange proposes to increase the Customer Options Transaction Charge in Section III applicable to Singly Listed Options. Finally, the Exchange proposes to increase certain PIXL fees in Section IV of the Pricing Schedule related to order executions in Section II Multiply Listed Options. Each proposal is detailed below.

Customer Rebate Program

Currently, the Exchange has a Customer Rebate Program consisting of four tiers which pays Customer rebates on two Categories, A and B, of transactions.[8] Category A rebates are paid to members executing electronically-delivered Customer Simple Orders in Penny Pilot Options

[7] The Exchange assesses Firms a reduced Options Transaction Charge in Penny and non-Penny Options provided a Firm has volume greater than a certain amount of contracts in a month.

[8] *See* Section B of the Pricing Schedule.

and Customer Simple Orders in Non-Penny Pilot Options in Section II of the Pricing Schedule. Rebates are paid on Customer PIXL Orders in Section II symbols that execute against non-Initiating Order interest, except in the case of Customer PIXL Orders that are greater than 999 contracts. All Customer PIXL Orders that are greater than 999 contracts are paid a rebate regardless of the contra party to the transaction. Category B rebates are paid to members executing electronically-delivered Customer Complex Orders in Penny Pilot Options and Non-Penny Pilot Options in Section II. Rebates are paid on Customer PIXL Complex Orders in Section II symbols that execute against non-Initiating Order interest, except in the case of Customer PIXL Complex Orders that are greater than 999 contracts. All Customer PIXL Complex Orders that are greater than 999 contracts are paid a rebate regardless of the contra-party to the transaction.

A Phlx member qualifies for a certain rebate tier based on the percentage of total national customer volume in multiply-listed options which it transacts monthly on Phlx. The Exchange calculates Customer volume in Multiply Listed Options by totaling electronically-delivered and executed volume, except volume associated with electronic Qualified Contingent Cross (''QCC'') Orders,[9] as defined in Exchange Rule 1080(o).[10] The Exchange pays the following rebates: [11]

Customer rebate tiers	Percentage thresholds of national customer volume in multiply-listed equity and ETF options classes, excluding spy options (monthly)	Category A	Category B
Tier 1	0.00%–0.75%	$0.00	$0.00
Tier 2	Above 0.75%–1.60%	*0.12	*0.17
Tier 3	Above 1.60%–2.50%	0.16	0.19
Tier 4	Above 2.50%	0.17	0.19

2.

The Exchange is proposing to amend the types of orders that qualify in Categories A and B for a rebate. The Exchange proposes to continue to pay a Category A rebate to members executing electronically-delivered Customer Simple Orders in Penny Pilot Options and Customer Simple Orders in Non-Penny Pilot Options in Section II symbols. Rebates will be paid on Customer PIXL Orders in Section II symbols that execute against non-Initiating Order interest. The Exchange is eliminating the exception for Customer PIXL Orders that are greater than 999 contracts. Today, such orders are entitled to a rebate regardless of the contra-party to the transaction. Also, the Exchange is adding language to provide that in the instance where member organizations qualify for a Tier 3 rebate or a higher rebate in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order will be paid a rebate of $0.14 per contract.

The Exchange also proposes to continue to pay a Category B rebate to members executing electronically-delivered Customer Complex Orders in Penny Pilot Options and Non-Penny Pilot Options in Section II symbols. Rebates will be paid on Customer PIXL Complex Orders in Section II symbols that execute against non-Initiating Order interest. The Exchange is eliminating the exception for Customer PIXL Orders that are greater than 999 contracts. Today, such orders are entitled to a rebate regardless of the contra-party to the transaction. Also, the Exchange is adding language to provide that in the instance where member organizations qualify for a Tier 3 rebate or a higher rebate in the Customer Rebate Program, Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order will be paid a rebate of $0.17 per contract.

The Exchange anticipates that amending these Categories will further incentivize market participants to direct additional Customer order flow to the Exchange.

Section I, Part A—SPY Simple Order Pricing

The Exchange currently assesses Customers, Specialists,[12] Market Makers,[13] Firms,[14] Broker-Dealers [15] and Professionals [16] a $0.44 per contract Fee for Removing Liquidity in SPY Simple Orders. The Exchange is proposing to increase the Fee for Removing Liquidity in SPY Simple Orders from $0.44 to $0.45 per contract for all market participants. Despite the increased fees, the Exchange believes that these fees remain competitive with other exchanges.

Section II—Multiply Listed Options Fees

The Exchange currently assesses a Specialist and Market Maker Floor Options Transaction Charge of $0.25 per contract in both Penny and non-Penny Pilot Options. The Exchange proposes to increase the Specialist and Market Maker Floor Options Transaction Charge of $0.25 per contract in both

[9] A QCC Order is comprised of an order to buy or sell at least 1000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Rule 1080(o)(3), coupled with a contra-side order to buy or sell an equal number of contracts. The QCC Order must be executed at a price at or between the National Best Bid and Offer and be rejected if a Customer order is resting on the Exchange book at the same price. A QCC Order shall only be submitted electronically from off the floor to the PHLX XL II System. *See* Rule 1080(o). *See also* Securities Exchange Act Release No. 64249 (April 7, 2011), 76 FR 20773 (April 13, 2011) (SR-Phlx-2011–47) (a rule change to establish a QCC Order to facilitate the execution of stock/option Qualified Contingent Trades (''QCTs'') that satisfy the requirements of the trade through exemption in connection with Rule 611(d) of the Regulation NMS).

[10] Members and member organizations under common ownership may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates. Common ownership means members or member organizations under 75% common ownership or control.

[11] SPY is included in the calculation of Customer volume in Multiply Listed Options that are electronically-delivered and executed for purposes of the Customer Rebate Program, however, the rebates do not apply to electronic executions in SPY.

[12] A ''Specialist'' is an Exchange member who is registered as an options specialist pursuant to Rule 1020(a).

[13] A ''Market Maker'' includes Registered Options Traders (Rule 1014(b)(i) and (ii)), which includes Streaming Quote Traders (*see* Rule 1014(b)(ii)(A)) and Remote Streaming Quote Traders (*see* Rule 1014(b)(ii)(B)). Directed Participants are also market makers.

[14] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at The Options Clearing Corporation.

[15] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[16] The term ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rule 1000(b)(14).

Penny and non-Penny Pilot Options from $0.25 to $0.30 per contract.

The Exchange currently assesses a Professional electronic Options Transaction Charge in non-Penny Pilot Options of $0.30 per contract. The Exchange proposes to assess Professionals a $0.60 per contract electronic Options Transaction Charge in non-Penny Pilot Options. The Exchange currently assesses a Firm electronic Options Transaction Charge in non-Penny Pilot Options of $0.50 per contract. The Exchange proposes to assess Firms a $0.60 per contract electronic Options Transaction Charge in non-Penny Pilot Options.

The Exchange proposes to assess electronic Professional, Broker-Dealer and Firm Complex Orders, in either Penny or non-Penny Pilot Options, a reduced $0.30 per contract Options Transaction Charge.

The Exchange also proposes to amend the Electronic Firm Fee Discount rate volume requirement. Today, Firm electronic Options Transaction Charges in Penny Pilot and non-Penny Pilot Options are reduced to $0.17 per contract for a given month provided that a Firm has volume greater than 500,000 electronically-delivered contracts in a month (''Electronic Firm Fee Discount'').[17] The Exchange proposes to reduce Firm electronic Options Transaction Charges in Penny Pilot and non-Penny Pilot Options to $0.20 per contract for a given month provided a Firm has volume greater than 350,000 electronically-delivered contracts in a month.

The Exchange believes that these fees remain competitive with fees currently assessed today on Phlx and the reduced fees for electronic Complex Orders will serve as an incentive for Professionals, Broker-Dealers and Firms submitting electronic Complex Orders to submit additional orders. Despite the fact that the Electronic Firm Fee Discount will now be reduced to a $0.20 per contract fee instead of a $0.17 per contract fee, Firms should still be incentivized to send additional order flow in both Penny and non-Penny Pilot Options due to the reduced volume requirement.

Section III—Singly Listed Options

The Exchange proposes to amend the Customer Options Transaction Charge for Singly Listed Options. Today, a Customer is assessed a $0.35 per contract Options Transaction Charge for transacting a Singly Listed Option. The Exchange proposes to increase the fee from $0.35 to $0.40 per contract. Despite the increased fee the Exchange believes that this fee remains competitive.

Section IV, Part A PIXL Pricing

The Exchange proposes to amend the PIXL Pricing in Part A of Section IV. Currently, with respect to executions in Section II Multiply Listed Options [18] when a PIXL Order is contra to a PIXL Auction Responder, a Customer PIXL Order will be assessed $0.00 per contract while other market participants are assessed $0.30 per contract. A Responder is also assessed $0.30 per contract unless the Responder is a Customer, in which case the fee is $0.00 per contract.

With respect to executions in Section II Multiply Listed Options, the Exchange proposes to continue to assess $0.00 per contract to a Customer PIXL Order when a PIXL Order is contra to a PIXL Auction Responder. Other market participants would continue to be assessed $0.30 per contract in Penny Pilot Options, but would be assessed an increased fee of $0.38 per contract in non-Penny Pilot Options. A Responder would continue to be assessed $0.30 per contract in Penny Pilot Options and would be assessed an increased fee of $0.38 per contract in non-Penny Pilot Options, unless, as is the case today, the Responder is a Customer, in which case the fee is $0.00 per contract.

The Exchange believes that increasing certain PIXL fees related to non-Penny Pilot Options will align these fees with those currently assessed for PIXL executions in options overlying SPY.[19]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[20] in general, and with Section 6(b)(4) and 6(b)(5) of the Act,[21] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Customer Rebate Program

The Exchange's proposal to continue to pay a Category A or Category B rebate to members executing electronically-delivered Customer Simple Orders in Penny Pilot Options and Customer Simple Orders in Non-Penny Pilot Options in Section II symbols for Category A or Customer Complex Orders in Penny or Non-Penny Pilot Options in Section II symbols, eliminate the exception for Customer PIXL Orders (Category A) or Customer PIXL Complex Orders (Category B) that are greater than 999 contracts and pay a Category A rebate of $0.14 per contract or Category B rebate of $0.17 per contract if a member organization qualifies for a Tier 3 rebate or a higher Customer rebate by executing against a PIXL Initiating Order is reasonable because these amendments should incentivize market participants to direct additional Customer order flow to the Exchange to earn an additional Customer Rebate or a rebate on certain Customer PIXL orders or Customer PIXL Complex Orders. Instead of paying the rebate on Customer PIXL orders (Category A) or Customer PIXL Complex Orders (Category B) that are greater than 999 contracts regardless of the contra-party, the Exchange is offering member organizations that qualify for a Tier 3 rebate or a higher rebate the opportunity to earn a rebate on certain Customer PIXL orders (Category A) or Customer PIXL Complex Orders (Category B) to reward them for the Customer volume they transacted on the Exchange. The Exchange believes that this incentive should encourage market participants to direct a greater amount of Customer volume to the Exchange. In addition, the Chicago Board Options Exchange, Incorporated (''CBOE'') also pays rebates for orders related to their price improvement mechanism in an identical fashion.[22]

The Exchange's proposal to continue to pay a Category A or Category B rebate to members executing electronically-delivered Customer Simple Orders in Penny Pilot Options and Customer Simple Orders in Non-Penny Pilot Options in Section II symbols for Category A or Customer Complex Orders in Penny or Non-Penny Pilot Options in Section II symbols, eliminate the exception for Customer PIXL Orders (Category A) or Customer PIXL Complex Orders (Category B) that are greater than 999 contracts and pay a Category A rebate of $0.14 per contract or Category B rebate of $0.17 per contract if a member organization qualifies for a Tier 3 rebate or a higher Customer rebate by executing against a PIXL Initiating Order is equitable and not unfairly discriminatory because it will be

[17] The Electronic Firm Fee Discount applies per member organization when such members are trading in their own proprietary account.

[18] This excludes ETFs, ETNs and indexes which are Multiply Listed.

[19] *See* Section I, Part C of the Pricing Schedule.

[20] 15 U.S.C. 78f.

[21] 15 U.S.C. 78f(b)(4) and (5).

[22] *See* CBOE's Fees Schedule. CBOE's Volume Incentive Program (''VIP'') pays certain tiered rebates to Trading Permit Holders for electronically executed multiply-listed option orders which include AIM orders.

applied to all market participants in a uniform matter. All members are eligible to receive the rebate provided they submit a qualifying number of electronic Customer volume.

Section I—Simple Order Pricing

The Exchange's proposal to increase the Fee for Removing Liquidity in Simple Orders from $0.44 to $0.45 per contract for all market participants is reasonable because the increase is consistent with or less than rates assessed by other options exchanges, such as Topaz Exchange, LLC (''Gemini''), NYSE ARCA, Inc. (''NYSE Arca''), BATS Exchange, Inc. (''BATS'') and NASDAQ Options Market LLC (''NOM'').[23]

The Exchange's proposal to increase the Fee for Removing Liquidity in Simple Orders from $0.44 to $0.45 per contract for all market participants is equitable and not unfairly discriminatory because all market participants will be assessed the same Fee for Removing Liquidity in Simple Orders of $0.45 per contract.

Section II—Multiply Listed Options Fees

The Exchange's proposal to amend its Floor Options Transaction Charges for Penny and Non-Penny Pilot Options for Specialist and Market Makers is reasonable because the proposed fees are within the range of other fees in Section II of the Pricing Schedule. Also, Specialists and Market Makers pay Payment for Order Flow fees [24] on electronic orders but do not pay such PFOF fees when transacting non-electronic orders.

The Exchange's proposal to amend its Floor Options Transaction Charges for Penny Options and Non-Penny Pilot Options for Specialist and Market Makers is equitable and not unfairly discriminatory because Specialists and Market Makers have a time and place advantage on the trading floor with respect to orders, unlike other market participants. A Professional, Broker-Dealer or a Firm would necessarily require a floor broker to represent their trading interest on the trading floor as compared to a Specialist or Market Maker that could directly transact such orders on the trading floor. Further, the Exchange believes that in order to attract orders from a Professional, Broker-Dealer or a Firm, via a floor broker, the rates must be competitive with rates other trading floors. Therefore, the Exchange would continue to assess a Professional, Broker-Dealer and a Firm a Floor Options Transaction Charge for Penny Pilot Options and Non-Penny Pilot Options of $0.25 per contract.

With respect to electronic orders, the Exchange proposes to assess Professionals, Broker-Dealers and Firms an Options Transaction Charge of $0.30 per contract for Penny Options and Non-Penny Pilot Options with respect to electronic Complex Orders. The Exchange currently assesses Professionals a $0.30 per contract fee for electronic orders, so this would not result in a change for a Professional. A Broker-Dealer and Firm are assessed a $0.45 per contract fee for electronic orders, which would be reduced to $0.30 per contract with respect to electronic Complex Orders. Specialists and Market Makers are assessed a $0.22 per contract electronic Options Transaction Charge and $0.23 in non-Penny Pilot Options because Specialists and Market Makers have obligations to the market and regulatory requirements,[25] which normally do not apply to other market participants. They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The proposed differentiation as between Specialists and Market Makers and other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants.

The Exchange's proposal to amend the Professional and Firm Options Transaction Charges for Non-Penny Pilot Options is reasonable because the Exchange is increasing the Professional and Firm electronic fees to $0.60 per contract in order to offer lower fees for electronic Complex Order transactions and also align Professional and Firm rates with the Options Transaction Charge which is currently assessed to a Broker-Dealer.

The Exchange's proposal to amend the Professional and Firm Options Transaction Charges for Non-Penny Pilot Options is equitable and not unfairly discriminatory because the Exchange would uniformly assess a Professional,[26] Firm [27] and Broker-Dealer a $0.60 per contract electronic Non-Penny Pilot Options Transaction Charge. The Exchange will continue not to assess a Customer an Options Transaction Charge because Customer order flow brings unique benefits to the market. Other market participants benefit from the liquidity that Customer order flow brings to the Exchange. Specialists and Market Makers are assessed an electronic Non-Penny Pilot Options Transaction Charge of $0.23 per contract with respect to floor transactions in Non-Penny Pilot Options. Specialists and Market Makers have obligations to the market and regulatory requirements,[28] which normally do not apply to other market participants. They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings.

The Exchange believes that it is reasonable to amend the Electronic Firm Fee Discount rate for electronic Options Transaction Charges in Penny Pilot and Non-Penny Pilot Options from $0.17 to $0.20 per contract and decrease the Firm volume requirement from 500,000 to 350,000 electronically-delivered contracts because despite the lesser discount, the lower volume requirement

[23] *See* Gemini's Fee Schedule. Gemini assesses taker fees for Priority Customer of $0.45 per contract and $0.48 per contract for all market participants. *See* NYSE Arca fees Schedule. NYSE Arca assesses a Lead Market Maker and NYSE Arca Market Maker a $0.47 [sic] per contract take liquidity fee and a $0.48 per contract take liquidity fee to a Firm and Broker-Dealer. *See* BATS BZX Exchange Fee Schedule. BATS assesses a $0.47 charge per contract for a Professional, Firm or Market Maker order that removes liquidity and $0.45 per contract for a Customer order that removes liquidity. *See* NOM Rules at Chapter XV, Section 2. NOM assesses $0.45 per contract for a Customer to remove liquidity and $0.48 per contract for all other market participants.

[24] The Payment for Order Flow (''PFOF'') Program assesses fees to Specialists and Market Makers resulting from Customer orders (''PFOF Fees''). The PFOF fees are available to be disbursed by the Exchange according to the instructions of the Specialist or Market Maker to order flow providers who are members or member organizations who submit, as agent, Customer orders to the Exchange through a member or member organization who is acting as agent for those customer orders. Any excess PFOF funds billed but not utilized by the Specialist or Market Maker are carried forward unless the Specialist or Market Maker elects to have those funds rebated on a pro rata basis, reflected as a credit on the monthly invoices. At the end of each calendar quarter, the Exchange calculates the amount of excess funds from the previous quarter and subsequently rebates excess funds on a pro-rata basis to the applicable Specialist or Market Maker who paid into that pool of funds.

[25] *See* Rule 1014 titled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

[26] A Professional is currently assessed an electronic Non-Penny Pilot Options Transaction Charge of $0.30 per contract.

[27] A Firm is currently assessed an electronic Non-Penny Pilot Options Transaction Charge of $0.50 per contract.

[28] *See* Rule 1014 titled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

should attract additional market participants transacting Firm orders.

The Exchange believes that it is equitable and not unfairly discriminatory to amend the Electronic Firm Fee Discount rate for electronic Options Transaction Charges in Penny Pilot and Non-Penny Pilot Options from $0.17 to $0.20 per contract and decrease the Firm volume requirement from 500,000 to 350,000 electronically-delivered contracts because all Firms will continue to have an opportunity to qualify for this incentive as they do today, provided they achieve the requisite volume. The Exchange also believes that the discount will continue to assist Firms to offset Options Transaction Charges.

Section III Singly Listed Options

The Exchange's proposal to amend the Customer Options Transaction Charge for Singly Listed Options from $0.35 to $0.40 per contact is reasonable because despite the increase the Exchange believes that this fee is competitive with other Singly Listed Options fees.[29]

The Exchange's proposal to amend the Customer Options Transaction Charge for Singly Listed Options from $0.35 to $0.40 per contact is equitable and not unfairly discriminatory because the Exchange would continue to assess Customers, Specialists and Market Makers the lowest fees while assessing Professionals, Firms and Broker-Dealers a $0.60 per contract Options Transaction Charge. Customer order flow brings unique benefits to the market through increased liquidity. Specialists and Market Makers have obligations to the market and regulatory requirements,[30] which normally do not apply to other market participants. They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings.

Section IV, Part A PIXL Pricing

The Exchange's proposal to amend the PIXL Pricing in Part A of Section IV so that other market participants, other than a Customer PIXL Order and a non-Customer Responder, would be assessed an increased $0.38 per contract in Non-Penny Pilot Options is reasonable because the increase aligns these fees with those currently assessed for PIXL executions in options overlying SPY. Section I, Part C of the Pricing Schedule assesses non-Customer market participants a $0.38 per contract fee when contra to an Initiating Order.

The Exchange's proposal to amend the PIXL Pricing in Part A of Section IV so that other market participants, other than a Customer PIXL Order and a non-Customer Responder, would be assessed an increased $0.38 per contract in Non-Penny Pilot Options is equitable and not unfairly discriminatory because all non-Customer market participants would be assessed the same fee. The Exchange has traditionally not assessed Customers PIXL Order fees because Customer liquidity benefits all market participants. Customer PIXL Orders would continue to not be assessed such a fee.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose an undue burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the Customer Rebate Program will continue to encourage Customer order flow to be directed to the Exchange. By incentivizing members to route Customer orders, the Exchange desires to attract liquidity to the Exchange, which in turn benefits all market participants. All market participants are eligible to qualify for a Customer Rebate.

The Exchange believes the proposed amendment would allow a greater number of market participants to qualify for Tier 3 or higher Customer rebates. The Exchange believes this pricing change does not impose a burden on competition but rather that the proposed rule change will continue to promote competition on the Exchange.

The Exchange operates in a highly competitive market, comprised of twelve options exchanges, in which market participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fees that are assessed and the rebates paid by the Exchange described in the above proposal are influenced by these robust market forces and therefore must remain competitive with fees charged and rebates paid by other venues and therefore must continue to be reasonable and equitably allocated to those members that opt to direct orders to the Exchange rather than competing venues.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[31] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR-Phlx-2013–117 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2013–117. 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

[29] *See* the International Securities Exchange LLC's Fee Schedule.

[30] *See* Rule 1014 titled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

[31] 15 U.S.C. 78s(b)(3)(A)(ii).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2013–117 and should be submitted on or before January 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30048 Filed 12–17–13; 8:45 am]

BILLING CODE 8011–01–P

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71058; File No. SR–EDGX–2013–46]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGX Exchange, Inc. Fee Schedule

December 12, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on December 6, 2013, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees and rebates applicable to Members [3] of the Exchange pursuant to EDGX Rule 15.1(a) and (c) (''Fee Schedule'') to exclude odd lot transactions from its definition of Total Consolidated Volume (''TCV''), which is used to determine whether a Member is eligible for certain pricing tiers. The text of the proposed rule change is available on the Exchange's Web site at *www.directedge.com,* at the Exchange's principal office, on the Commission's Web site at *www.sec.gov,* and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently defines TCV as ''the volume reported by all exchanges and trade reporting facilities to the consolidated transaction reporting plans for Tapes A, B and C securities for the month in which the fees are calculated.'' [4] An odd lot transaction, which is generally an execution of less than 100 shares,[5] is currently not reported to the consolidated tape, and therefore, not included in the Exchange's calculation of TCV. Beginning December 9, 2013, odd lot transactions will be reported to the consolidated tape.[6] The Exchange, therefore, proposes to amend its Fee Schedule to exclude odd lot transactions from its definition of TCV, which is used to determine whether a Member is eligible for certain pricing tiers, through January 31, 2014. The proposal would allow Members additional time to adjust to the potential impact of including odd lot transactions within consolidated volumes. Odd lots will continue to be included in each Member's average daily trading volume (''ADV'') as they are today.

The Exchange provides Members with the opportunity to qualify for a pricing tier based on its [sic] level of activity during a particular month. Each tier provides a Member with increased rebates or lower fees for adding or removing liquidity in the Exchange. Certain tiers use a specific percentage of TCV during the billing cycle as a threshold that a Member must meet or exceed to qualify for a particular tier. For example, to qualify for the Mega Tier 2 and receive a rebate of $0.0032 per share and fee of $0.0029 per share, a Member must: add or route at least 4,000,000 shares of ADV prior to 9:30 a.m. or after 4:00 p.m. (includes all flags except 6); and add a minimum of 0.20% of the TCV on a daily basis measured monthly, including during both market hours and pre and post-trading hours. To qualify for Market Depth Tier 1 and receive a rebate of $0.00325 per share, a Member must: add greater than or equal to 0.85% of the TCV in ADV on EDGX in total; and add at least 4 million shares as Non-Displayed Orders that yield Flag HA.

The proposal to exclude odd lot transactions from the TCV calculation is intended to allow Members additional time to adjust to the potential impact of including odd lot transactions within

[3] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[4] *See* Exchange Fee Schedule *available at http://www.directedge.com/Trading/EDGXFeeSchedule.aspx* (December 2, 2013)

[5] *See* Exchange Rule 11.6.

[6] *See* Securities Exchange Act Release No. 70794 (October 31, 2013), 78 FR 66789 (November 6, 2013) (SR–CTA–2013–05) (Order Approving the Eighteenth Substantive Amendment to the Second Restatement of the CTA Plan). *See also* Securities Exchange Act Release No. 70793 (October 31, 2013), 78 FR 66788 (November 6, 2013) (File No. S7–24–89) (Order Approving Amendment No. 30 to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis). *See also* Securities Exchange Act Release No. 70898 (November 19, 2013) (SR–NYSE–2013–75). *See also* announcements regarding December 9, 2013 implementation date, available at *https://cta.nyxdata.com/cta/popup/news/2385* and *http://www.nasdaqtrader.com/TraderNews.aspx?id=uva2013-11.* If the inclusion of odd lot transactions in the consolidated tape is delayed to a date after December 9, 2013, the manner of inclusion or exclusion of odd lot transactions described in this proposal for purposes of billing on the Exchange would similarly take effect on such later date.

consolidated volumes. The proposed rule change is not intended to address any other issues and the Exchange is not aware of any problems that Members would have in complying with the proposed rule change.

Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on December 9, 2013. The amendments would be effective through January 31, 2014.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[7] in general, and furthers the objectives of Section 6(b)(4),[8] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

The Exchange believes its proposal to exclude odd lot transactions from its TCV calculation is reasonable because it allows the Exchange to maintain, albeit temporarily, the status quo when measuring a Member's activity and whether they [sic] satisfy the criteria necessary to achieve preferred pricing under each pricing tier. Absent this change, the denominator of tier threshold calculation (*i.e.,* TCV) would increase immediately when odd lot transactions begin to be reported to the consolidated tape and a Member would need to immediately increase their [sic] own activity (*i.e.,* the numerator) to continue to qualify for the tier. However, such an increase in the Member's activity would not result in a corresponding benefit to the Member because the Exchange is not proposing to change the tier rates. The Exchange anticipates that the eventual impact on determining tier qualifications would be minimal when odd lot transactions begin to be included in the TCV. Nonetheless, the Exchange believes that it is reasonable to provide Members with a limited transition period to adapt to such impact.

The proposed rule change is also equitable and not unfairly discriminatory because it would apply to all Members uniformly. In addition, the inclusion of odd lots in the TCV calculation would occur for all Members on February 1, 2014, after the same nearly two month transition period.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that this change represent [sic] a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. The proposed rule change is designed to provide consistency to Members by allowing the Exchange to maintain, albeit temporarily, the status quo when measuring a Member's activity and whether they [sic] satisfy the criteria necessary to achieve preferred pricing under each pricing tier. The proposal to exclude odd lot transactions from the TCV calculation is intended to allow Members additional time to adjust to the potential impact of including odd lot transactions within consolidated volumes. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

This proposed rule change is also designed to maintain intermarket competition by eliminating the potential for Members to immediately fail to qualify for a tier due to the inclusion of odd lot transactions in the consolidated tape beginning December 9, 2013. Other exchanges have also announced their intention of [sic] filed proposed rule changes to exclude odd lot transactions from the consolidated volume calculations from December 9, 2013 thru [sic] January 31, 2014.[9] The proposal is also designed to maintain intramarket completion by maintaining consistent calculations amongst exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(2) [11] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2013–46 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2013–46. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE.,

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4).

[9] *See* File No. SR–NYSE–2013–78 (proposal by the New York Stock Exchange, Inc. (''NYSE'') to amend its price list to exclude odd lot transactions from its consolidated average daily trading volume calculations thru January 31, 2014); *see also,* BATS Exchange, Inc. and BATS–Y Exchange, Inc. Tier Calculation Update *available at http://cdn.batstrading.com/resources/fee_schedule/BATS–BZX-Exchange-and-BYX-Exchange-Tier-Calculation-Update-Effective-December-9-2013.pdf* (announcing intention to exclude odd lot transactions from its consolidated average daily trading volume calculations thru [sic] January 31, 2014).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4 (f)(2).

Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGX–2013–46 and should be submitted on or before January 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30042 Filed 12–17–13; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71063; File No. SR–CBOE–2013–116]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

December 12, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 9, 2013, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule with regard to the quoting bandwidth allowance for Market-Makers. The Fees Schedule states that the bandwidth allowance for a Market-Maker Trading Permit is equivalent to a maximum of 31,200,000 quotes over the course of a trading day. However, in reaching the 31,200,000 quotes number, CBOE only took into account the normal trading hours for equity options (8:30 a.m.–3:00 p.m. (all times herein are Central)) and erroneously failed to account for the fact that index and ETP options trading is open until 3:15 p.m. (an extra 15 minutes). Therefore, the Exchange's quoting bandwidth allowance for index and ETP options is actually greater than the 31,200,000 quotes listed in the Fees Schedule. In order to account for this error, the Exchange proposes to amend the Fees Schedule to delete the 31,200,000 number and replace it with 32,400,000 (which accounts for the extra 15 minutes).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[4] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

The Exchange believes that amending the Fees Schedule to more accurately reflect the Market-Maker Trading Permit quoting bandwidth allowance (taking into account the extra fifteen minutes that index and ETP options are traded) shall alleviate confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system. The proposed change applies equally to all Market-Maker Trading Permits.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change is merely making a correction. Further, the new 32,400,000 quotes amount applies to all Market-Maker Trading Permits. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change is merely a correction, not a competitive change, and only applies to trading on CBOE.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

[5] *Id.*

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(6)[7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2013–116 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2013–116. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2013–116, and should be submitted on or before January 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30047 Filed 12–17–13; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71061; File No. SR–EDGA–2013–36]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend EDGA Rule 11.12, Limitations of Liability

December 12, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 6, 2013, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule 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 paragraph (d)(3) of Rule 11.12 to provide Members[3] with additional time within which to submit a written claim for compensation for ''losses resulting directly from the malfunction of the Exchange's physical equipment, devices and/or programming or the negligent acts or omissions of its employees'' (''Exchange Systems Issues'').

In addition, the Exchange proposes to add a new paragraph (e) to Rule 11.12 to permit the Exchange, subject to certain conditions and limitations, to compensate Members for certain losses incurred in connection with orders or portions of orders routed by the Exchange through its affiliated routing broker-dealer, Direct Edge ECN LLC (d/b/a/DE Route) (''DE Route''), to Trading Centers[4] where such losses are claimed by the Member to have resulted directly from a malfunction of the physical equipment, devices and/or programming, or the negligent acts or omissions of the employees, of such Trading Centers (''Trading Center Systems Issue'').

All of the changes described herein are applicable to Members.[5] The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[4] Rule 600(b)(78) of Regulation NMS, 17 CFR 242.600(b)(78), defines a ''Trading Center'' as ''a national securities exchange or national securities association that operates an SRO trading facility, an alternative trading system, an exchange market maker, an OTC market maker, or any other broker or dealer that executes orders internally by trading as principal or crossing orders as agent.'' *See also* Exchange Rule 2.11(a).

[5] A Member is any registered broker or dealer, or any person associated with a registered broker or dealer that has been admitted to membership in the Exchange.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.12 to: (i) Amend paragraph (d)(3) to provide Members with additional time within which to submit a written claim for compensation for Exchange Systems Issues; and (ii) add a new paragraph (e) permitting the Exchange, subject to certain conditions and limitations, to compensate Members for certain losses incurred in connection with orders or portions of orders routed by the Exchange through DE Route to Trading Centers where such losses are claimed by the Member to have resulted directly from a Trading Center Systems Issue.

Extension of Deadline To Submit Claims

Rule 11.12 currently states that, except as provided in subsection (d) of the Rule, the Exchange and its affiliates shall not be liable for any losses, damages, or other claims arising out of the Exchange or its use. Exchange Rule 11.12(d) provides a limited exception to its general limitation of liability that allows for the payment of compensation to Members for Exchange Systems Issues, subject to certain conditions. Subsection (d)(1) of Rule 11.12 states that for the aggregate of all claims made by all market participants related to the use of the Exchange during a single calendar month, the Exchange's payments under Rule 11.12 shall not exceed the larger of $500,000, or the amount of the recovery obtained by the Exchange under any applicable insurance policy.

Currently, Rule 11.12(d)(3) requires Members to submit claims for compensation to the Exchange by 12:00 p.m. Eastern Time on the business day following the day on which the Member's use of the Exchange gave rise to the claim. The Exchange proposes to extend the deadline to submit a claim to no later than 4:00 p.m. Eastern Time, or 1:00 p.m. in the event of an early market close,[6] on the second business day following the day on which the Member's use of the Exchange gave rise to the claim. The Exchange believes that such expansion of time is reasonable given that Members often do not have all the necessary information to substantiate all facts bearing on the accuracy and completeness of a claim within the required current timeframe under Rule 11.12(d). The expansion of time to submit compensation claims should, therefore, increase the likelihood that Members will be able to submit claims to the Exchange in a timely manner.

Reimbursement for Losses Sustained at Trading Centers

The Exchange also proposes to amend Exchange Rule 11.12 to add a new paragraph (e) that would authorize the Exchange, subject to express conditions and limitations, to compensate Members for losses relating to orders routed by the Exchange through DE Route to Trading Centers that the Member claims resulted directly from a Trading Center Systems Issue.

The Exchange believes that the proposed rule change will provide a remedy, not currently available under Rule 11.12, to Members that experience losses due to Trading Center Systems Issues after DE Route routed the Members' orders to a Trading Center that experienced such issues. The Exchange's authority to compensate Members for losses under Rule 11.12(d) only covers losses incurred as a result of Exchange Systems Issues, and does not currently extend to Trading Center Systems Issues. Even if the Exchange, via DE Route, were to seek and receive compensation on behalf of a Member from a Trading Center relating to a Trading Center Systems Issue, it does not currently have the authority to, in turn, pass such compensation along to the affected Member. The Exchange, therefore, proposes to add a new paragraph (e) to Rule 11.12 as an accommodation to Members, whereby the Exchange, via DE Route, would employ reasonable efforts to submit Members' claims for compensation on such Members' behalf to a Trading Center, and pass along to such Members the full amount of compensation, if any, obtained by DE Route from such Trading Center.[7]

Under proposed Rule 11.12(e), the Exchange would undertake to accept claims for losses submitted by Members, which claims must contain representations from such Members as to the accuracy of the information contained therein and that any losses incurred were the direct result of a Trading Center Systems Issue.[8] The Exchange would employ reasonable efforts to submit such claims, via DE Route, to the Trading Center in question. If and to the extent that DE Route were to receive compensation from a Trading Center in response to a claim submitted on behalf of a Member, the full amount of such compensation would be passed through to the Member.

Proposed Rule 11.12(e)(1) would require that a Member seeking compensation for a loss due to a Trading Center Systems Issue must submit its claim to the Exchange in writing. The proposed rule would not include a specific deadline by which Members must submit claims for compensation. The Exchange notes that Trading Centers that are national securities exchanges impose different deadlines by which their Members must submit claims for compensation,[9] and that many Trading Centers that are not national securities exchanges either do not impose any deadline or otherwise handle requests for compensation on a case-by-case basis. It is, therefore, incumbent on, and the sole responsibility of, the Member to submit claims to the Exchange in a timely manner so that the Exchange may then forward such claim, via DE Route, in advance of any deadline required by that Trading Center. Upon receipt of a Member's claim, the Exchange would only verify that a valid order was submitted by the Member and accepted and acknowledged by the Exchange, that the Member's order or a portion of the order was routed by the Exchange via DE Route to a Trading Center, and that the Member represented that it incurred a loss as a result of a Trading Center Systems Issue. The Exchange would then use reasonable efforts to forward the claim, via DE Route, to such Trading Center.

Proposed Rule 11.12(e)(2) would state that the Exchange would pass along to the Member the full amount of any compensation that the Exchange, via DE Route, received from a Trading Center as a result of a claim submitted on

[6] Regular trading hours for days when the markets close early are typically 9:30 a.m. to 1:00 p.m. Eastern Time on the day after Thanksgiving and on Christmas Eve, unless Christmas Eve happens to fall on a weekend. *See, e.g.,* Direct Edge Trading Notice #13–47: Market Holiday Reminder—Thanksgiving. *http://www.directedge.com/About/exchangenotices/ViewNewsletterDetail.aspx?NewsletterID=1143.*

[7] DE Route is considered a facility of the Exchange, and, therefore, claims for compensation due to an Exchange Systems Issue experienced by DE Route must be submitted in accordance with Exchange Rule 11.12(d).

[8] Members receive reports from the Exchange shortly after a trade is consummated indicating whether their order, or a portion thereof, was executed at a Trading Center. The report will indicate the size and price of the execution on the Trading Center.

[9] *See* Nasdaq Stock Market LLC Rule 4626 (requiring claims for compensation to be submitted by 12:00 p.m. Eastern Time on T+1). *See also* NYSE Arca, Inc. Options Rule 14.2, NYSE MKT LLC Rule 905NY, Chicago Board Options Exchange, Incorporated Rule 6.7, BATS Exchange, Inc. Rule 11.16, and BATS–Y Exchange, Inc. Rule 11.16 (requiring claims for compensation to be submitted by the open of regular trading hours on T+1).

behalf of the Member. Any compensation paid to the Member would be paid solely from the compensation, if any, recovered from that Trading Center and not from any other source.

Proposed Rule 11.12(e)(3) would account for the circumstance where more than one Member submitted a claim for loss resulting from the same Trading Center Systems Issue and the total amount of compensation received from the Trading Center is insufficient to fully satisfy the claims of all such Members. In such case, the Exchange would proportionally allocate the total amount received from the Trading Center, if any, among all such Members' claims based on the proportion that each such claim bears to the sum of all such claims. The Exchange believes that this provision will provide for equitable compensation among all Members that submit a valid claim related to a Trading Center Systems Issue by ensuring that Members are compensated on a pro rata basis.

The payment of claims submitted in response to an Exchange Systems Issue would be separate and apart from any pass-through of compensation paid due to a Trading Center Systems Issue. Proposed Rule 11.12(e)(4) would state that any pass-through of compensation to a Member in accordance with Rule 11.12(e) would be unrelated to any other claims for compensation that are made due to an Exchange Systems Issues under Exchange Rule 11.12(d)(3). Accordingly, proposed Rule 11.12(e)(4) would state that any compensation paid to Members from reimbursement recovered from a Trading Center would not count against the Exchange's $500,000 monthly liability limit set forth in Rule 11.12(d)(1), nor any applicable insurance maintained by the Exchange.

Notwithstanding the foregoing, the Exchange is not proposing to undertake or assume any responsibility to: (1) Independently validate information submitted by a Member in connection with a claim for compensation for loss arising out of a Trading Center Systems Issue, other than the ticker, size and side of the affected orders and the Trading Center to which the affected orders were routed and alleged to have experienced a Trading Center Systems Issue; (2) ascertain or comply with any mandatory deadlines within which to submit claims for compensation to a Trading Center; (3) guarantee that any compensation will be procured from a Trading Center; (4) negotiate agreements with any Trading Centers to require compensation under any circumstances; or (5) take any additional steps with respect to a Trading Center Systems Issue if such Trading Center denies or fails to respond to any claim for compensation, in whole or in part. In other words, the Exchange will, upon receipt of a claim for compensation from a Member for loss resulting from a Trading Center Systems Issue, reasonably endeavor to submit such claim, via DE Route, to the applicable Trading Center as soon as reasonably practicable, and if DE Route in turns receives an accommodation from such Trading Center, such accommodation will be passed along to the Member via the Exchange. Neither the Exchange nor DE Route will be under any obligation to know any Trading Center's rules, procedures and/or customs, to the extent any exist, for the submission of claims for compensation, nor to dispute a Trading Center's denial of a claim, whether in whole or in part, nor to take any further actions with respect to such claim in the event that the Trading Center does not respond at all to the claim. Accordingly, with this proposed rule change, the Exchange is not assuming any additional liability to Members for losses claimed to have resulted from Trading Center Systems Issues; rather, it proposes to serve a purely ministerial role, given the contractual privity that exists between DE Route and Trading Centers, in the submission of Members' claims for compensation to such Trading Centers on their behalf. To that end, proposed Rule 11.12(e)(5) would make clear that under no circumstances will the Exchanges' inability to procure compensation from a Trading Center, in whole or in part, for whatever reason, give rise to a claim for compensation from the Exchange pursuant to paragraph (d) of Rule 11.12 as a ''negligent act or omission of an Exchange employee.'' Proposed Rule 11.12(e)(5) would further state that the Exchange would not be liable should the Trading Center deny such claim made pursuant to proposed Rule 11.12(e), in whole or in part, for any reason.

The Exchange believes that the provisions outlined in the above paragraph are equitable because any claim submitted under the proposed Rule 11.12(e) would be subject to the rules, procedures, and discretion of the Trading Center in question. It is the Trading Center, and not the Exchange or DE Route, that ultimately decides whether to approve or deny a Member's claim, or even whether to act on such request at all. For example, the Exchange has no discretion over or responsibility for the information provided by the Member in its claim, and no discretion over or responsibility for whether such information is sufficient for the Trading Center to provide compensation. In addition, any claim submitted under the proposal would be subject to compensation only to the extent that the Trading Center provided such compensation to DE Route. Accordingly, because it is the Trading Center, and not the Exchange or DE Route, that ultimately decides whether a claim for compensation would be granted, the Exchange believes the proposal is fair and just in limiting the Exchange's liability in the event a Trading Center determines, for any reason, to deny a claim, in whole or in part, or even not to respond to such claim.

Implementation Date

The Exchange intends to implement the proposed rule changes no later than January 15, 2014 and will announce its availability via a trading notice to be posted on the Exchange's Web site.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [10] and furthers the objectives of Section 6(b)(5) of the Act,[11] in that it is designed promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest. In addition, the Exchange believes that the proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

Extension of Deadline To Submit Claims

Extending the deadline by which claims for compensation are submitted to the Exchange is designed to increase the likelihood that Members will be able to submit claims in a timely manner. The Exchange believes that such expansion of time is reasonable given that Members often do not have all the necessary information to substantiate all facts bearing on the accuracy and completeness of a claim within the required current timeframe under Rule 11.12(d). Therefore, the Exchange believes the proposed rule change is equitable and will promote fairness in the market place by providing Members increased time to submit claims that result from an Exchange Systems Issue.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

Reimbursement for Losses Sustained at other Trading Centers

Proposed Rule 11.12(e) would enable the Exchange to pass through to Members any compensation that the Exchange is able to procure, via DE Route, from a Trading Center for losses claimed by Members to have resulted from a Trading Center Systems Issue. The proposal specifies a standardized method for Members to submit claims for compensation from a Trading Center, and for the Exchange to pass through to its Members any such compensation obtained, if and to the extent the Exchange, via DE Route, is able to obtain such compensation from the Trading Center. Furthermore, any compensation obtained by the Exchange from a Trading Center would be passed on to the Member who requested such reimbursement. If the amount received by the Exchange from the Trading Center was insufficient to satisfy all claims, it would be allocated among the claimants proportionally based on the percentage that each claimant's claim in relation to the sum of all claims received by the Exchange. In addition, the proposed pro-rata allocation methodology that the Exchange would employ would provide for equitable compensation among all Members who submit a claim related to a Trading Center Systems Issue and deter the risk of preferential treatment of certain Members by the Exchange. Therefore, the Exchange believes that the proposed rule change would protect investors and the public interest by potentially providing Members with a remedy not currently available to them to recover for losses incurred as a result of Trading Center Systems Issues, which generally arise from factors unrelated to their trading activities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change would not impose any burden on competition. The proposed rule change is designed to promote fairness in the marketplace by increasing the time within which a Member is to submit claims for Exchange System Issues and to be compensated for losses that result from Trading Center Systems Issues. The Exchange believes that the proposed rule changes will not burden intermarket competition because the benefits offered under the proposed rule changes are not currently offered by any other exchange. The Exchange believes that the proposed rule changes will not burden intramarket competition because all Members would be subject to the same deadline to submit a claim for Exchange Systems Issues and be able to submit claims for reimbursement for certain losses incurred due to Trading Center System Issues.

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 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 if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) of the Act [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii) of the Act,[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Such waiver would immediately extend the time period by which Exchange members are able to submit claims seeking compensation for Exchange systems issues under EDGA Rule 11.12(d) and would immediately establish a means for members to potentially receive compensation for losses caused by a systems issue occurring at another Trading Center on orders routed to such Trading Center by DE Route. For these reasons, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing with the Commission.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGA–2013–36 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–EDGA–2013–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE.,

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGA–2013–36, and should be submitted on or before January 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30045 Filed 12–17–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71055; File No. SR–BX–2013–059]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fee Schedule Under Exchange Rule 7018(a) With Respect to Transactions in Securities Priced at $1 per Share or More

December 12, 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 29, 2013, NASDAQ OMX BX, Inc. (''BX'' 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 Substance of the Proposed Rule Change

The Exchange proposes to amend the fee schedule under Exchange Rule 7018(a) with respect to transactions in securities priced at $1 per share or more. The Exchange will implement the proposed rule change on December 2, 2013.

The text of the proposed rule change is also available on the Exchange's Web site at *http://nasdaqomxbx.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

The Exchange is proposing several changes to its fees and rebates applicable to transactions in securities priced at $1 or more. First, the Exchange is proposing to add a new tier for members that are active in both the NASDAQ OMX BX Equities System (the ''BX Equities System'') and BX Options. As such, the tier is similar to various tiers that have previously been introduced by the NASDAQ Stock Market for members of that exchange that are active in both the NASDAQ Market Center and the NASDAQ Options Market.[3] Under the proposed tier, a member will be charged $0.0016 per share executed when providing liquidity through a displayed order if the member (i) has a daily average volume of liquidity provided in all securities during the month of 2 million or more shares through one or more BX Equities System market participant identifiers (''MPIDs''), and (ii) adds Options Market Maker volume under Chapter XV of BX Options rules of 20,000 or more contracts per day during the month.

The proposed tier recognizes the prevalence of trading in which members simultaneously trade different asset classes within the same strategy. Because cash equities and options markets are linked, with liquidity and trading patterns on one market affecting those on the other, the Exchange believes that a pricing incentive that encourages market participant activity in BX Options will also support price discovery and liquidity provision in the BX Equities System.

Second, the Exchange is proposing new pricing tiers for midpoint pegged orders, a non-displayed order whose price is pegged to the midpoint between the national best bid and national best offer. Thus, midpoint pegged orders provide price improvement when they execute that is equivalent to the difference between the price of the order and the national best bid or offer (as applicable). Currently, midpoint orders are charged a fee of $0.0015 per share executed when they provide liquidity, which is lower than the fee of $0.0020 per share executed for displayed orders and the current fee of $0.0025[4] per share executed for non-displayed orders other than midpoint orders. Thus, the pricing structure is designed to encourage members that provide liquidity to do so in a manner that provides price improvement. To further encourage the use of these orders, BX is proposing two new volume tiers for midpoint pegged orders. First, if a member provides an average daily volume of 2 million or more shares of liquidity using midpoint pegged orders during the month, the fee for such orders will be $0.0010 per share executed. Second, if a member provides an average daily volume of 1 million or more, but fewer than 2 million, shares of liquidity using midpoint pegged orders during the month, the fee for such orders will $0.00125 per share executed. For lower volumes, the fee will remain $0.0015 per share executed.

Third, consistent with the goal of encouraging greater use of midpoint pegged orders to provide price improvement, BX is increasing the fee for non-displayed orders other than midpoint pegged orders to $0.0028 per share executed. Thus, to the extent that a member wishes to offer non-displayed liquidity on BX, it will be provided with a meaningful pricing incentive to do so using midpoint pegged orders, which benefit the counterparty accessing liquidity through price improvement, rather than non-displayed orders, which neither offer price improvement nor contribute to pre-trade price discovery.

Fourth, BX is proposing to decrease the rebate for orders that access liquidity and that do not qualify for any other rebate category, from $0.0007 per share executed to $0.0004 per share executed.[5] Currently, BX offers several

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* NASDAQ Rule 7018(a).

[4] As discussed below, BX is proposing increasing this fee to $0.0028 per share executed.

[5] It should be noted, however, that rebates are not paid for orders that access liquidity provided by

Continued

incentive rebate tiers that are quite easy for a member to achieve. First, BX offers a rebate tier of $0.0011 per share executed for an order that access [sic] liquidity at BX using a routable order. Second, BX offers the same rebate for an order that access [sic] liquidity if entered through an MPID through which the member provides an average daily volume of at least 25,000, but less than 1 million shares of liquidity during the month. Finally, BX offers a rebate of $0.0013 per share executed for an order that accesses liquidity if entered through an MPID through which the member (i) provides an average daily volume of 1 million or more shares of liquidity during the month or (ii) access [sic] an average daily volume of 3.5 million or more shares of liquidity. Thus, BX believes that the change in the rebate rate otherwise applicable will incentivize market participants to seek to qualify for more favorable pricing, either by providing or accessing more liquidity or by using BX's routing services.

Finally, BX is amending the definition of ''Consolidated Volume'' in Rule 7018 to exclude executed orders with a size of less than one round lot. The amended definition refers to ''the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities . . . during the month, excluding executed orders with a size of less than one round lot.'' The exclusion for executed orders of less than a round lot is necessitated by recent amendments to the Consolidated Tape Association and NASDAQ UTP Plans [6] under which odd lots must be reported to the consolidated tape. These amendments are taking effect in December 2013. When calculating a member's percentage, BX has historically included odd lots in the member's own total volume, but excluded them from Consolidated Volume, since they have not historically been included in the trades reported to consolidated transaction reporting plans. Accordingly, including odd lots in the calculation of a member's percentage of Consolidated Volume would make it more difficult for members to achieve certain percentages, and thus could constitute an unintended de facto price increase. To avoid this result, odd lots will be excluded from the definition of Consolidated Volume for pricing purposes, but would continue to be included in the member's own total volume.

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[7] in general, and Sections 6(b)(4) and (b)(5) of the Act,[8] in particular, because it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that the Exchange operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers.

The change with respect to a new tier for members active in both the BX Equities System and BX Options is reasonable because it reflects the availability of a price reduction for members that support liquidity on both markets. The change is consistent with an equitable allocation of fees because the pricing tier requires significant levels of liquidity provision, which benefits all market participants, and because activity in BX Options also supports price discovery and liquidity provision in the BX Equities System due to the increasing propensity of market participants to be active in both markets and the influence of each market on the pricing of securities in the other. Moreover, the new tier has the potential to reduce fees for a wider range of market participants by introducing a new means of qualifying for a lower fee for providing liquidity. The change is not unreasonably discriminatory because market participants may qualify for a still lower fee without participating in BX Options through participation in BX's Qualified Liquidity Provider program.

The changes with respect to new tiers for midpoint pegged orders are reasonable because they will reduce fees for members that use higher volumes of midpoint pegged orders to offer price improvement. The changes are consistent with an equitable allocation of fees because the Exchange believes that it is equitable to provide financial incentives, such as the reduced fees in question, to encourage members to offer price improvement. The changes are not unfairly discriminatory because they are structured as volumetric pricing tiers, under which the level of fee reduction increases as the member's volume increases. Such pricing tiers are widely in use at various national securities exchanges and have been accepted as consistent with the Act because the financial benefit offered is correlated to the member's usage of the market.

The change with respect to the fee charged to members providing liquidity through non-displayed orders other than midpoint pegged orders is reasonable because the fee change may readily be avoided through use of midpoint pegged orders or displayed orders, both of which the Exchange believes to be more beneficial to the market than non-midpoint, non-displayed orders. The change is consistent with an equitable allocation of fees and is not unfairly discriminatory because the Exchange believes that it is appropriate to charge a lower fee to displayed orders, which aid price discovery, and to midpoint pegged orders, which provide price improvement. The change is also not unfairly discriminatory because use of non-displayed orders is wholly voluntary.

The change to the rebate offered for orders accessing liquidity is reasonable because it is still consistent with the Exchange's approach of paying a rebate to orders accessing liquidity, in contrast to most trading venues, which charge an access fee. Moreover, the change is consistent with an equitable allocation of fees because members can readily avoid the change by using routable orders or by offering a modest volume of liquidity (25,000 shares per day or more) through the Exchange. Thus, the change is equitable because it incentivizes members to make greater use of the Exchange's services to receive a higher rebate. The change is not unfairly discriminatory because it applies uniformly to all members that opt not to avoid it through the means described above.

The change with respect to exclusion of odd lots from the definition of Consolidated Volume is reasonable because it avoids a de facto price increase that could occur due to the upcoming requirement to report odd lots to the consolidated tape. Similarly, the change is consistent with an equitable allocation of fees and is not unfairly discriminatory because it will maintain the status quo with respect to the Qualified Liquidity Provider incentive program, which requires calculations based on Consolidated Volume. Thus, the change avoids a potential inequitable and unfair result under which members with volumes close to a required percentage would be unable to achieve a pricing tier for which they had formerly qualified.

midpoint pegged orders, since the applicable price improvement ($0.005 per share executed on a security with a $0.01 spread, and more for securities with wider spreads) would in all cases exceed the rebates offered for orders accessing other liquidity.

[6] Securities Exchange Act Release No. 70794 (October 31, 2013), 78 FR 66789 (November 6, 2013) (SR–CTA–2013–05); Securities Exchange Act Release No. 70793 (October 31, 2013), 78 FR 66788 (November 6, 2013) (File No. S7–24–89).

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4), (5).

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[9] BX notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, BX must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, BX believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In this instance, the changes with respect to midpoint orders and the new pricing tier for members active in the Exchange's cash equities and options markets enhances the Exchange's competitiveness by reducing fees. Likewise, the change with respect to the definition of Consolidated Volume avoids a potential de facto price increase, thereby also enhancing the Exchange's competitiveness. The Exchange further believes that the changes for non-displayed orders and liquidity accessing orders not qualifying for a pricing tier also increase the Exchange's competitiveness, because they serve to encourage members to increase their use of displayed or midpoint pegged orders, or to increase volume or make greater use of BX's router. Thus, although price increases, they provide incentives for behavior that may allow members to reduce their trading costs. Moreover, because there are numerous competitive alternatives to the use of the Exchange, it is likely that BX will lose market share as a result of the changes if they are unattractive to market participants. Accordingly, BX does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

[9] 15 U.S.C. 78f(b)(8).

(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

The foregoing change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and paragraph (f) of Rule 19b–4 [11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–BX–2013–059 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–BX–2013–059. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of BX. 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–BX–2013–059 and should be submitted on or before January 8, 2014.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30039 Filed 12–17–13; 8:45 am]

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[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71056; File No. SR–BOX–2013–56]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Penny Pilot Program

December 12, 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 December 3, 2013, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7260 to extend, through June 30, 2014, the pilot program that permits certain classes to be quoted in penny increments (''Penny Pilot Program''). The text of the proposed rule change is available from the principal office of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange, on the Exchange's Internet Web site at *http://boxexchange.com,* 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend the effective time period of the Penny Pilot Program that is currently scheduled to expire on December 31, 2013, for an additional six months, through June 30, 2014.[3] The Penny Pilot Program permits certain classes to be quoted in penny increments. The minimum price variation for all classes included in the Penny Pilot Program, except for the QQQs, SPY and IWM, will continue to be $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. The QQQs, SPY and IWM, will continue to be quoted in $0.01 increments for all options series.

The Exchange may replace any Pilot Program classes that have been delisted on the second trading day following January 1, 2014. The replacement classes will be selected based on trading activity for the six month period beginning June 1, 2013, and ending November 30, 2013. The Exchange will employ the same parameters to prospective replacement classes as approved and applicable under the Pilot Program, including excluding high-priced underlying securities. The Exchange will distribute a Regulatory Circular notifying Participants which replacement classes shall be included in the Penny Pilot Program.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[4] in general, and Section 6(b)(5) of the Act,[5] in particular, in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest. In particular, the proposed extension will allow the Penny Pilot Program to remain in effect without interruption.

B. Self-Regulatory Organization's Statement on Burden on Competition

Because the proposed rule change does not impose any new or additional burden on BOX Options Participants, and only extends the current Penny Pilot Program, 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.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)(iii) thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing.[10] However, pursuant to Rule 19b–4(f)(6)(iii),[11] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program.[12] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[3] The Penny Pilot Program has been in effect on the Exchange since its inception in May 2012. See Securities Exchange Act Release Nos. 66871 (April 27, 2012) 77 FR 26323 (May 3, 2012) (File No.10–206, In the Matter of the Application of BOX Options Exchange LLC for Registration as a National Securities Exchange Findings, Opinion, and Order of the Commission), 67328 (June 29, 2012) 77 FR 40123 (July 6, 2012) (SR–BOX–2012–007), 68425 (December 13, 2012) 77 FR 75234 (December 19, 2013) (SR–BOX–2012–021) and 69789 (June 18, 2013) 78 FR 37854 (June 24, 2013) (SR–BOX–2013–31). The extension of the effective date is the only change to the Penny Pilot Program being proposed at this time.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(6).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] *See* Securities Exchange Act Release No. 61061 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEArca–2009–44). *See also supra* note 3.

[13] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BOX–2013–56 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2013–56. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2013–56 and should be submitted on or before January 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30040 Filed 12–17–13; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71062; File No. SR–EDGX–2013–45]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend EDGX Rule 11.12, Limitations of Liability

December 12, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 6, 2013, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule 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 paragraph (d)(3) of Rule 11.12 to provide Members[3] with additional time within which to submit a written claim for compensation for ''losses resulting directly from the malfunction of the Exchange's physical equipment, devices and/or programming or the negligent acts or omissions of its employees'' (''Exchange Systems Issues'').

In addition, the Exchange proposes to add a new paragraph (e) to Rule 11.12 to permit the Exchange, subject to certain conditions and limitations, to compensate Members for certain losses incurred in connection with orders or portions of orders routed by the Exchange through its affiliated routing broker-dealer, Direct Edge ECN LLC (d/b/a/DE Route) (''DE Route''), to Trading Centers[4] where such losses are claimed by the Member to have resulted directly from a malfunction of the physical equipment, devices and/or programming, or the negligent acts or omissions of the employees, of such Trading Centers (''Trading Center Systems Issue'').

All of the changes described herein are applicable to Members.[5] The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.12 to: (i) Amend paragraph (d)(3) to provide Members with additional time within which to submit a written claim for compensation for Exchange Systems Issues; and (ii) add a new paragraph (e) permitting the Exchange, subject to certain conditions and limitations, to compensate Members for certain losses incurred in connection with orders or portions of orders routed by the Exchange through DE Route to Trading Centers where such losses are claimed by the Member to have resulted directly from a Trading Center Systems Issue.

Extension of Deadline To Submit Claims

Rule 11.12 currently states that, except as provided in subsection (d) of the Rule, the Exchange and its affiliates shall not be liable for any losses, damages, or other claims arising out of the Exchange or its use. Exchange Rule 11.12(d) provides a limited exception to its general limitation of liability that allows for the payment of compensation to Members for Exchange Systems Issues, subject to certain conditions.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[4] Rule 600(b)(78) of Regulation NMS, 17 CFR 242.600(b)(78), defines a ''Trading Center'' as ''a national securities exchange or national securities association that operates an SRO trading facility, an alternative trading system, an exchange market maker, an OTC market maker, or any other broker or dealer that executes orders internally by trading as principal or crossing orders as agent.'' *See also* Exchange Rule 2.11(a).

[5] A Member is any registered broker or dealer, or any person associated with a registered broker or dealer that has been admitted to membership in the Exchange.

Subsection (d)(1) of Rule 11.12 states that for the aggregate of all claims made by all market participants related to the use of the Exchange during a single calendar month, the Exchange's payments under Rule 11.12 shall not exceed the larger of $500,000, or the amount of the recovery obtained by the Exchange under any applicable insurance policy.

Currently, Rule 11.12(d)(3) requires Members to submit claims for compensation to the Exchange by 12:00 p.m. Eastern Time on the business day following the day on which the Member's use of the Exchange gave rise to the claim. The Exchange proposes to extend the deadline to submit a claim to no later than 4:00 p.m. Eastern Time, or 1:00 p.m. in the event of an early market close,[6] on the second business day following the day on which the Member's use of the Exchange gave rise to the claim. The Exchange believes that such expansion of time is reasonable given that Members often do not have all the necessary information to substantiate all facts bearing on the accuracy and completeness of a claim within the required current timeframe under Rule 11.12(d). The expansion of time to submit compensation claims should, therefore, increase the likelihood that Members will be able to submit claims to the Exchange in a timely manner.

Reimbursement for Losses Sustained at Trading Centers

The Exchange also proposes to amend Exchange Rule 11.12 to add a new paragraph (e) that would authorize the Exchange, subject to express conditions and limitations, to compensate Members for losses relating to orders routed by the Exchange through DE Route to Trading Centers that the Member claims resulted directly from a Trading Center Systems Issue.

The Exchange believes that the proposed rule change will provide a remedy, not currently available under Rule 11.12, to Members that experience losses due to Trading Center Systems Issues after DE Route routed the Members' orders to a Trading Center that experienced such issues. The Exchange's authority to compensate Members for losses under Rule 11.12(d) only covers losses incurred as a result of Exchange Systems Issues, and does not currently extend to Trading Center Systems Issues. Even if the Exchange, via DE Route, were to seek and receive compensation on behalf of a Member from a Trading Center relating to a Trading Center Systems Issue, it does not currently have the authority to, in turn, pass such compensation along to the affected Member. The Exchange, therefore, proposes to add a new paragraph (e) to Rule 11.12 as an accommodation to Members, whereby the Exchange, via DE Route, would employ reasonable efforts to submit Members' claims for compensation on such Members' behalf to a Trading Center, and pass along to such Members the full amount of compensation, if any, obtained by DE Route from such Trading Center.[7]

Under proposed Rule 11.12(e), the Exchange would undertake to accept claims for losses submitted by Members, which claims must contain representations from such Members as to the accuracy of the information contained therein and that any losses incurred were the direct result of a Trading Center Systems Issue.[8] The Exchange would employ reasonable efforts to submit such claims, via DE Route, to the Trading Center in question. If and to the extent that DE Route were to receive compensation from a Trading Center in response to a claim submitted on behalf of a Member, the full amount of such compensation would be passed through to the Member.

Proposed Rule 11.12(e)(1) would require that a Member seeking compensation for a loss due to a Trading Center Systems Issue must submit its claim to the Exchange in writing. The proposed rule would not include a specific deadline by which Members must submit claims for compensation. The Exchange notes that Trading Centers that are national securities exchanges impose different deadlines by which their Members must submit claims for compensation,[9] and that many Trading Centers that are not national securities exchanges either do not impose any deadline or otherwise handle requests for compensation on a case-by-case basis. It is, therefore, incumbent on, and the sole responsibility of, the Member to submit claims to the Exchange in a timely manner so that the Exchange may then forward such claim, via DE Route, in advance of any deadline required by that Trading Center. Upon receipt of a Member's claim, the Exchange would only verify that a valid order was submitted by the Member and accepted and acknowledged by the Exchange, that the Member's order or a portion of the order was routed by the Exchange via DE Route to a Trading Center, and that the Member represented that it incurred a loss as a result of a Trading Center Systems Issue. The Exchange would then use reasonable efforts to forward the claim, via DE Route, to such Trading Center.

Proposed Rule 11.12(e)(2) would state that the Exchange would pass along to the Member the full amount of any compensation that the Exchange, via DE Route, received from a Trading Center as a result of a claim submitted on behalf of the Member. Any compensation paid to the Member would be paid solely from the compensation, if any, recovered from that Trading Center and not from any other source.

Proposed Rule 11.12(e)(3) would account for the circumstance where more than one Member submitted a claim for loss resulting from the same Trading Center Systems Issue and the total amount of compensation received from the Trading Center is insufficient to fully satisfy the claims of all such Members. In such case, the Exchange would proportionally allocate the total amount received from the Trading Center, if any, among all such Members' claims based on the proportion that each such claim bears to the sum of all such claims. The Exchange believes that this provision will provide for equitable compensation among all Members that submit a valid claim related to a Trading Center Systems Issue by ensuring that Members are compensated on a pro rata basis.

The payment of claims submitted in response to an Exchange Systems Issue would be separate and apart from any pass-through of compensation paid due to a Trading Center Systems Issue. Proposed Rule 11.12(e)(4) would state that any pass-through of compensation to a Member in accordance with Rule

[6] Regular trading hours for days when the markets close early are typically 9:30 a.m. to 1:00 p.m. Eastern Time on the day after Thanksgiving and on Christmas Eve, unless Christmas Eve happens to fall on a weekend. *See, e.g.,* Direct Edge Trading Notice #13–47: Market Holiday Reminder—Thanksgiving. *http://www.directedge.com/About/exchangenotices/ViewNewsletterDetail.aspx?NewsletterID=1143.*

[7] DE Route is considered a facility of the Exchange, and, therefore, claims for compensation due to an Exchange Systems Issue experienced by DE Route must be submitted in accordance with Exchange Rule 11.12(d).

[8] Members receive reports from the Exchange shortly after a trade is consummated indicating whether their order, or a portion thereof, was executed at a Trading Center. The report will indicate the size and price of the execution on the Trading Center.

[9] *See* Nasdaq Stock Market LLC Rule 4626 (requiring claims for compensation to be submitted by 12:00 p.m. Eastern Time on T+1). *See also* NYSE Arca, Inc. Options Rule 14.2, NYSE MKT LLC Rule 905NY, Chicago Board Options Exchange, Incorporated Rule 6.7, BATS Exchange, Inc. Rule 11.16, and BATS–Y Exchange, Inc. Rule 11.16 (requiring claims for compensation to be submitted by the open of regular trading hours on T+1).

11.12(e) would be unrelated to any other claims for compensation that are made due to an Exchange Systems Issues under Exchange Rule 11.12(d)(3). Accordingly, proposed Rule 11.12(e)(4) would state that any compensation paid to Members from reimbursement recovered from a Trading Center would not count against the Exchange's $500,000 monthly liability limit set forth in Rule 11.12(d)(1), nor any applicable insurance maintained by the Exchange.

Notwithstanding the foregoing, the Exchange is not proposing to undertake or assume any responsibility to: (1) Independently validate information submitted by a Member in connection with a claim for compensation for loss arising out of a Trading Center Systems Issue, other than the ticker, size and side of the affected orders and the Trading Center to which the affected orders were routed and alleged to have experienced a Trading Center Systems Issue; (2) ascertain or comply with any mandatory deadlines within which to submit claims for compensation to a Trading Center; (3) guarantee that any compensation will be procured from a Trading Center; (4) negotiate agreements with any Trading Centers to require compensation under any circumstances; or (5) take any additional steps with respect to a Trading Center Systems Issue if such Trading Center denies or fails to respond to any claim for compensation, in whole or in part. In other words, the Exchange will, upon receipt of a claim for compensation from a Member for loss resulting from a Trading Center Systems Issue, reasonably endeavor to submit such claim, via DE Route, to the applicable Trading Center as soon as reasonably practicable, and if DE Route in turns receives an accommodation from such Trading Center, such accommodation will be passed along to the Member via the Exchange. Neither the Exchange nor DE Route will be under any obligation to know any Trading Center's rules, procedures and/or customs, to the extent any exist, for the submission of claims for compensation, nor to dispute a Trading Center's denial of a claim, whether in whole or in part, nor to take any further actions with respect to such claim in the event that the Trading Center does not respond at all to the claim. Accordingly, with this proposed rule change, the Exchange is not assuming any additional liability to Members for losses claimed to have resulted from Trading Center Systems Issues; rather, it proposes to serve a purely ministerial role, given the contractual privity that exists between DE Route and Trading Centers, in the submission of Members' claims for compensation to such Trading Centers on their behalf. To that end, proposed Rule 11.12(e)(5) would make clear that under no circumstances will the Exchanges' inability to procure compensation from a Trading Center, in whole or in part, for whatever reason, give rise to a claim for compensation from the Exchange pursuant to paragraph (d) of Rule 11.12 as a ''negligent act or omission of an Exchange employee.'' Proposed Rule 11.12(e)(5) would further state that the Exchange would not be liable should the Trading Center deny such claim made pursuant to proposed Rule 11.12(e), in whole or in part, for any reason.

The Exchange believes that the provisions outlined in the above paragraph are equitable because any claim submitted under the proposed Rule 11.12(e) would be subject to the rules, procedures, and discretion of the Trading Center in question. It is the Trading Center, and not the Exchange or DE Route, that ultimately decides whether to approve or deny a Member's claim, or even whether to act on such request at all. For example, the Exchange has no discretion over or responsibility for the information provided by the Member in its claim, and no discretion over or responsibility for whether such information is sufficient for the Trading Center to provide compensation. In addition, any claim submitted under the proposal would be subject to compensation only to the extent that the Trading Center provided such compensation to DE Route. Accordingly, because it is the Trading Center, and not the Exchange or DE Route, that ultimately decides whether a claim for compensation would be granted, the Exchange believes the proposal is fair and just in limiting the Exchange's liability in the event a Trading Center determines, for any reason, to deny a claim, in whole or in part, or even not to respond to such claim.

Implementation Date

The Exchange intends to implement the proposed rule changes no later than January 15, 2014 and will announce its availability via a trading notice to be posted on the Exchange's Web site.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [10] and furthers the objectives of Section 6(b)(5) of the Act,[11] in that it is designed promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest. In addition, the Exchange believes that the proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

Extension of Deadline To Submit Claims

Extending the deadline by which claims for compensation are submitted to the Exchange is designed to increase the likelihood that Members will be able to submit claims in a timely manner. The Exchange believes that such expansion of time is reasonable given that Members often do not have all the necessary information to substantiate all facts bearing on the accuracy and completeness of a claim within the required current timeframe under Rule 11.12(d). Therefore, the Exchange believes the proposed rule change is equitable and will promote fairness in the market place by providing Members increased time to submit claims that result from an Exchange Systems Issue.

Reimbursement for Losses Sustained at Other Trading Centers

Proposed Rule 11.12(e) would enable the Exchange to pass through to Members any compensation that the Exchange is able to procure, via DE Route, from a Trading Center for losses claimed by Members to have resulted from a Trading Center Systems Issue. The proposal specifies a standardized method for Members to submit claims for compensation from a Trading Center, and for the Exchange to pass through to its Members any such compensation obtained, if and to the extent the Exchange, via DE Route, is able to obtain such compensation from the Trading Center. Furthermore, any compensation obtained by the Exchange from a Trading Center would be passed on to the Member who requested such reimbursement. If the amount received by the Exchange from the Trading Center was insufficient to satisfy all claims, it would be allocated among the claimants proportionally based on the percentage that each claimant's claim in relation to the sum of all claims received by the Exchange. In addition, the proposed pro-rata allocation methodology that the Exchange would employ would provide for equitable compensation among all Members who submit a claim related to a Trading Center Systems Issue and deter the risk

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

of preferential treatment of certain Members by the Exchange. Therefore, the Exchange believes that the proposed rule change would protect investors and the public interest by potentially providing Members with a remedy not currently available to them to recover for losses incurred as a result of Trading Center Systems Issues, which generally arise from factors unrelated to their trading activities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change would not impose any burden on competition. The proposed rule change is designed to promote fairness in the marketplace by increasing the time within which a Member is to submit claims for Exchange System Issues and to be compensated for losses that result from Trading Center Systems Issues. The Exchange believes that the proposed rule changes will not burden intermarket competition because the benefits offered under the proposed rule changes are not currently offered by any other exchange. The Exchange believes that the proposed rule changes will not burden intramarket competition because all Members would be subject to the same deadline to submit a claim for Exchange Systems Issues and be able to submit claims for reimbursement for certain losses incurred due to Trading Center System Issues.

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 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 if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) of the Act [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii) of the Act,[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Such waiver would immediately extend the time period by which Exchange members are able to submit claims seeking compensation for Exchange systems issues under EDGX Rule 11.12(d) and would immediately establish a means for members to potentially receive compensation for losses caused by a systems issue occurring at another Trading Center on orders routed to such Trading Center by DE Route. For these reasons, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing with the Commission.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2013–45 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2013–45. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGX–2013–45, and should be submitted on or before January 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30046 Filed 12–17–13; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before February 18, 2014.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to John Wade, Financial Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: John Wade, Financial Analyst, 202–205–3647, *john.wade@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

Title: ''Secondary Market for Section 504 First Mortgage Loan Pool Program''.

Abstract: These forms captures the terms and conditions of the Small Business Administration's (SBA) new Secondary Market for Section 504 First Mortgage Loan Pool Program. SBA needs this information collection in order to identify program participants, terms of financial transactions involving federal government guaranties, and reporting on program efficiency, including the proper use of Recovery Act funds.

Form Numbers: 2401, 2402, 2403, 2404.

Annual Responses: 12,490.

Annual Burden: 33,075.

Curtis Rich,

Management Analyst.

[FR Doc. 2013–30061 Filed 12–17–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before February 18, 2014.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Mary Frias, Loan Specialist, Office of Financial Assistance, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Mary Frias, Loan Specialist, 202–401–8234, *mary.frias@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

Title: ''Intermediary Lending Pilot Program Application and Reporting Requirements''.

Abstract: SBA has established a pilot loan program, the Intermediary Lending Pilot Program (ILPP), to make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns. This requested information, which will be provided by intermediaries that wish to participate in ILPP, will be used to select ILPP intermediaries, to monitor disbursement of ILPP loan proceeds, and to monitor program effectiveness while minimizing risk to the federal taxpayer.

Form Number's: 2417, 2418.

Annual Responses: 840.

Annual Burden: 10,520.

Curtis Rich,

Management Analyst.

[FR Doc. 2013–30062 Filed 12–17–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60 Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before February 18, 2014.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to John Wade, Financial Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: John Wade, Financial Analyst, 202–205–3647, *johnwade@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

Title: ''Form of Detached Assignment for U.S. Small Business Administration Loan Pool or Guarantee Interest Certificate''.

Abstract: Pursuant 5(h)(i)(c)to The Small Business Market Improvement Act the seller of a loan or pool certificate must disclose the information on this form to the purchaser, constant annual prepayment rate based upon the seller's analysis of the prepayment histories of SBA guaranteed loans with similar maturities and additional disclosure information on the terms, conditions and yield of the securities.

Form Number: 1088.

Annual Responses: 856.

Annual Burden: 733.

Curtis Rich,

Management Analyst.

[FR Doc. 2013–30060 Filed 12–17–13; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[License No. 09/09–0467v]

The Central Valley Fund II SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that The Central Valley Fund II SBIC, L.P., 1590 Drew Avenue, Suite 110, Davis, CA 95618, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concerns, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). The Central Valley Fund Il SBIC, L.P. is proposing to provide financing to Quest Discovery Services, Inc., 981 Ridder Park Drive, San Jose, CA 95131. The financing will be used, in part, for working capital, to pay the seller, to pay off existing debt, and to pay fees and expenses.

The proposed transaction is brought within the purview of § 107.730 of the Regulations because Quest Discovery Services, Inc. will be using financing proceeds from The Central Valley Fund II SBIC, L.P. in part to discharge obligations to The Central Valley Fund I, L.P., which is an Associate of The Central Valley Fund II SBIC, L.P. as

defined at § 107.50 due to common management.

Therefore, the proposed transaction is considered self-deal pursuant to 13 CFR § 107.730 and requires a regulatory exemption. Notice is hereby given that any interested person may submit written comments on the transaction within fifteen days of the date of this publication to Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Dated: December 4, 2013.

Javier Saade,

Associate Administrator for Investment and Innovation.

[FR Doc. 2013–30056 Filed 12–17–13; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 8549]

Waiver of Restriction on Assistance to the Central Government of Cameroon

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Cameroon and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: September 5, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30166 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice 8558]

Waiver of Restriction on Assistance to the Central Government of Nigeria

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6) and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Nigeria and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: August 12, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30163 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice 8559]

Waiver of Restriction on Assistance to the Central Government of Somalia

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Somalia and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: July 10, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30162 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice 8552]

Waiver of Restriction on Assistance to the Central Government of the Democratic Republic of the Congo

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to the Democratic Republic of the Congo and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: July 16, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30169 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice 8550]

Waiver of Restriction on Assistance to the Central Government of Chad

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Chad and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: July 10, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30167 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice 8553]

Waiver of Restriction on Assistance to the Central Government of Ethiopia

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L.

112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Ethiopia and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: July 10, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30170 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice 8560]

Waiver of Restriction on Assistance to the Central Government of Swaziland

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Swaziland and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: September 23, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30161 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice 8551]

Waiver of Restriction on Assistance to the Central Government of the Republic of the Congo

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6) and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to the Republic of the Congo and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: September 5, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30168 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice 8556]

Waiver of Restriction on Assistance to the Central Government of Guinea

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Guinea and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: August 12, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30174 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice 8554]

Waiver of Restriction on Assistance to the Central Government of Gabon

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Gabon and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: August 12, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30171 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice 8557]

Waiver of Restriction on Assistance to the Central Government of Niger

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Niger and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: July 10, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30172 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice 8555]

Waiver of Restriction on Assistance to the Central Government of The Gambia

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs

Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to The Gambia and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register.**

Dated: September 23, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–30105 Filed 12–17–13; 8:45 am]

BILLING CODE 4710–26–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Procurement Thresholds for Implementation of the Trade Agreements Act of 1979

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determination of procurement thresholds.

FOR FURTHER INFORMATION CONTACT: Scott Pietan, Director of International Procurement Policy, Office of the United States Trade Representative, (202) 395–9646 or *scott_pietan@ustr.eop.gov*.

SUMMARY: Executive Order 12260 requires the United States Trade Representative to set the U.S. dollar thresholds for application of Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), which implements U.S. trade agreement obligations, including those under the World Trade Organization (WTO) Agreement on Government Procurement, Chapter 15 of the United States-Australia Free Trade Agreement (United States-Australia FTA), Chapter 9 of the United States-Bahrain Free Trade Agreement (United States-Bahrain FTA), Chapter 9 of the United States-Chile Free Trade Agreement (United States-Chile FTA), Chapter 9 of the United States-Colombia Free Trade Agreement (United States-Colombia FTA), Chapter 9 of the Dominican Republic-Central American-United States Free Trade Agreement (DR–CAFTA), Chapter 9 of the United States-Morocco Free Trade Agreement (United States-Morocco FTA), Chapter 10 of the North American Free Trade Agreement (NAFTA), Chapter 9 of the United States-Oman Free Trade Agreement (United States-Oman FTA), Chapter 9 of the United States-Panama Trade Promotion Agreement (United States-Panama TPA), Chapter 9 of the United States-Peru Trade Promotion Agreement (United States-Peru TPA), and Chapter 13 of the United States-Singapore Free Trade Agreement (United States-Singapore FTA). These obligations apply to covered procurements valued at or above specified U.S. dollar thresholds.

Now, therefore, I, Michael B.G. Froman, United States Trade Representative, in conformity with the provisions of Executive Order 12260, and in order to carry out U.S. trade agreement obligations under the WTO Agreement on Government Procurement, Chapter 15 of the United States-Australia FTA, Chapter 9 of the United States-Bahrain FTA, Chapter 9 of the United States-Chile FTA, Chapter 9 of the United States-Colombia FTA, Chapter 9 of DR–CAFTA, Chapter 9 of the United States-Morocco FTA, Chapter 10 of NAFTA, Chapter 9 of the United States-Oman FTA, Chapter 9 of the United States-Panama TPA, Chapter 9 of the United States-Peru TPA, and Chapter 13 of the United States-Singapore FTA, do hereby determine, effective on January 1, 2014:

For the calendar years 2014 and 2015, the thresholds are as follows:

I. WTO Agreement on Government Procurement

A. Central Government Entities Listed in U.S. Annex 1

(1) Procurement of goods and services—$204,000; and

(2) Procurement of construction services—$7,864,000.

B. Sub-Central Government Entities Listed in U.S. Annex 2

(1) Procurement of goods and services—$558,000; and

(2) Procurement of construction services—$7,864,000.

C. Other Entities Listed in U.S. Annex 3

(1) Procurement of goods and services—$629,000; and

(2) Procurement of construction services—$7,864,000.

II. United States-Australia FTA, Chapter 15

A. Central Government Entities Listed in the U.S. Schedule to Annex 15–A, Section 1

(1) Procurement of goods and services—$79,507; and

(2) Procurement of construction services—$7,864,000.

B. Sub-Central Government Entities Listed in the U.S. Schedule to Annex 15–A, Section 2

(1) Procurement of goods and services—$558,000; and

(2) Procurement of construction services—$7,864,000.

C. Other Entities Listed in the U.S. Schedule to Annex 15–A, Section 3

(1) Procurement of goods and services for List A Entities— $397,535;

(2) Procurement of goods and services for List B Entities— $629,000;

(3) Procurement of construction services—$7,864,000.

III. United States-Bahrain FTA, Chapter 9

A. Central Government Entities Listed in the U.S. Schedule to Annex 9–A–1

(1) Procurement of goods and services—$204,000; and

(2) Procurement of construction services—$10,335,931.

B. Other Entities Listed in the U.S. Schedule to Annex 9–A–2

(1) Procurement of goods and services for List B entities—$629,000; and

(2) Procurement of construction services—$12,721,740.

IV. United States-Chile FTA, Chapter 9

A. Central Government Entities Listed in the U.S. Schedule to Annex 9.1, Section A

(1) Procurement of goods and services—$79,507; and

(2) Procurement of construction services—$7,864,000.

B. Sub-Central Government Entities Listed in the U.S. Schedule to Annex 9.1, Section B

(1) Procurement of goods and services—$558,000; and

(2) Procurement of construction services—$7,864,000.

C. Other Entities Listed in the U.S. Schedule to Annex 9.1, Section C

(1) Procurement of goods and services for List A Entities— $397,535;

(2) Procurement of goods and services for List B Entities— $629,000;

(3) Procurement of construction services—$7,864,000.

V. United States-Colombia TPA, Chapter 9

A. Central Government Entities Listed in the U.S. Schedule to Annex 9.1, Section A

(1) Procurement of goods and services—$79,507; and

(2) Procurement of construction services—$7,864,000.

B. Sub-Central Government Entities Listed in the U.S. Schedule to Annex 9.1, Section B

(1) Procurement of goods and services—$558,000; and

(2) Procurement of construction services—$7,864,000.

C. Other Entities Listed in the U.S. Schedule to Annex 9.1, Section C

(1) Procurement of goods and services for List B Entities— $629,000;

(2) Procurement of construction services—$7,864,000.

VI. DR-CAFTA, Chapter 9

A. Central Government Entities Listed in the U.S. Schedule to Annex 9.1.2(b)(i), Section A

(1) Procurement of goods and services—$79,507; and

(2) Procurement of construction services—$7,864,000.

B. Sub-Central Government Entities Listed in the U.S. Schedule to Annex 9.1.2(b)(i), Section B

(1) Procurement of goods and services—$558,000; and

(2) Procurement of construction services—$7,864,000.

C. Other Entities Listed in the U.S. Schedule to Annex 9.1.2(b)(i), Section C

(1) Procurement of goods and services for List B Entities—$629,000;

(2) Procurement of construction services—$7,864,000.

VII. United States-Morocco FTA, Chapter 9

A. Central Government Entities Listed in the U.S. Schedule to Annex 9–A–1

(1) Procurement of goods and services—$204,000; and

(2) Procurement of construction services—$7,864,000.

B. Sub-Central Government Entities Listed in the U.S. Schedule to Annex 9–A–2

(1) Procurement of goods and services—$558,000; and

(2) Procurement of construction services—$7,864,000.

C. Other Entities Listed in the U.S. Schedule to Annex 9–A–3

(1) Procurement of goods and services for List B Entities—$629,000;

(2) Procurement of construction services—$7,864,000.

VIII. NAFTA, Chapter 10

A. Federal Government Entities Listed in the U.S. Schedule to Annex 1001.1a–1

(1) Procurement of goods and services—$79,507; and

(2) Procurement of construction services—$10,335,931.

B. Government Enterprises Listed in the U.S. Schedule to Annex 1001.1a–2

(1) Procurement of goods and services—$397,535; and

(2) Procurement of construction services—$12,721,740.

IX. United States-Oman FTA, Chapter 9

A. Central Level Government Entities Listed in the U.S. Schedule to Annex 9, Section A

(1) Procurement of goods and services—$204,000; and

(2) Procurement of construction services—$10,335,931.

B. Other Covered Entities Listed in the U.S. Schedule to Annex 9, Section B

(1) Procurement of goods and services for List B Entities—$629,000;

(2) Procurement of construction services—$12,721,740.

X. United States-Panama TPA, Chapter 9

A. Central Government Entities Listed in the U.S. Schedule to Annex 9.1, Section A

(1) Procurement of goods and services—$204,000; and

(2) Procurement of construction services—$7,864,000.

B. Sub-Central Government Entities Listed in the U.S. Schedule to Annex 9.1, Section B

(1) Procurement of goods and services—$558,000; and

(2) Procurement of construction services—$7,864,000.

C. Other Entities Listed in the U.S. Schedule to Annex 9.1, Section C

(1) Procurement of goods and services for List B Entities—$629,000;

(2) Procurement of construction services—$7,864,000.

D. Autoridad del Canal de Panamá

(1) Procurement of goods and services—$629,000.

XI. United States-Peru TPA, Chapter 9

A. Central Government Entities Listed in the U.S. Schedule to Annex 9.1, Section A

(1) Procurement of goods and services—$204,000; and

(2) Procurement of construction services—$7,864,000.

B. Sub-Central Government Entities Listed in the U.S. Schedule to Annex 9.1, Section B

(1) Procurement of goods and services—$558,000; and

(2) Procurement of construction services—$7,864,000.

C. Other Entities Listed in the U.S. Schedule to Annex 9.1, Section C

(1) Procurement of goods and services for List B Entities—$629,000;

(2) Procurement of construction services—$7,864,000.

XII. United States-Singapore FTA, Chapter 13

A. Central Government Entities Listed in the U.S. Schedule to Annex 13A, Schedule 1, Section A

(1) Procurement of goods and services—$79,507; and

(2) Procurement of construction services—$7,864,000.

B. Sub-Central Government Entities Listed in the U.S. Schedule to Annex 13A, Schedule 1, Section B

(1) Procurement of goods and services—$558,000; and

(2) Procurement of construction services—$7,864,000.

C. Other Entities Listed in the U.S. Schedule to Annex 13A, Schedule 1, Section C

(1) Procurement of goods and services—$629,000;

(2) Procurement of construction services—$7,864,000.

Michael B.G. Froman,

United States Trade Representative.

[FR Doc. 2013–30138 Filed 12–17–13; 8:45 am]

BILLING CODE 3290–F4–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q) during the Week Ending December 7,

2013. The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: DOT–OST–2013–0204.

Date Filed: December 2, 2013.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 23, 2013.

Description: Application of Norwegian Air International Limited (''Norwegian International'') requesting exemption authority and a foreign air carrier permit to enable it to conduct foreign scheduled and charter air transportation of persons, property and mail to the full extent permitted under the open skies U.S.-E.U.-Iceland-Norway Air Transport Agreement; Norwegian International requests authority to engage in: a. Foreign scheduled and charter air transportation of persons, property and mail from any point or points behind any Member State(s) of the European Union, via any point or points in any Member State and via intermediate points, to any point(s) in the United States and beyond; b. foreign scheduled and charter air transportation of persons, property, and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area; c. foreign scheduled and charter air transportation of persons property and mail between any point or points in Norway, via intermediate points, and any point or points in the United States; d. foreign scheduled and charter cargo air transportation between any point or points in the United States and any other point or points; e. other charters pursuant to the prior approval requirements; and f. scheduled and charter transportation consistent with any future, additional rights that may be granted to European Union carriers under the U.S.-E.U. Open Skies Agreement.

Barbara J. Hairston,

Supervisory Dockets Officer, Docket Operations, Federal Register Liaison.

[FR Doc. 2013–30077 Filed 12–17–13; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Change in Use of Aeronautical Property at Warren Field Airport, Washington, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for Public Comment.

SUMMARY: The Federal Aviation Administration is requesting public comment on request by the City of Washington to change a portion of airport property from aeronautical to non-aeronautical use at the Warren Field Airport, Washington, North Carolina. The request consists of approximately 32 acres. This action is taken under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before January 17, 2014.

ADDRESSES: Documents are available for review at the North Carolina Department of Transportation, Division of Aviation, 1050 Meridian Drive, RDU Airport, NC 27623; and the FAA Memphis Airports District Office, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118–2482. Written comments on the Sponsor's request must be delivered or mailed to: Mr. Phillip J. Braden, Manager, Memphis Airports District Office, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118–2482.

In addition, a copy of any comments submitted to the FAA must be mailed or delivered to Mr. Philip Lanier, Airport Project Manager, NCDOT, 1560 Mail Service Center, Raleigh, NC 27699–1560.

FOR FURTHER INFORMATION CONTACT: Mr. Tim Hester, Community Planner, Federal Aviation Administration, Memphis Airports District Office, 2600, Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118–2482. The application may be reviewed in person at this same location, by appointment.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the request to lease property for non-aeronautical purposes at Warren Field Airport, Washington, NC 27889. Under the provisions of AIR 21 (49 U.S.C. 47107(h)(2)).

On December 9, 2013, the FAA determined that the request to lease property for non-aeronautical purposes at Warren Field Airport meets the procedural requirements of the Federal Aviation Administration. The FAA may approve the request, in whole or in part, no later than January 17, 2014.

The following is a brief overview of the request:

The City of Washington is proposing the lease of approximately 32 acres at Warren Field Airport. The non-aeronautical lease is for a period of 15 (fifteen) years, with an option to extend the lease for a period of 5 (five) years, followed by up to two additional period(s) of 5 (five) years. The non-aeronautical lease is for the purpose of leasing said property to Duke Energy Renewables, to be used as a solar photovoltaic array.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

Issued in Memphis, TN, on December 9, 2013.

Paul L. Friedman,

Assistant Manager, Memphis Airports District Office, Southern Region.

[FR Doc. 2013–29942 Filed 12–17–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0386]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Volvo/Prevost LLC

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application for exemption from Volvo/Prevost LLC (Volvo/Prevost) to allow the placement of a lane departure warning (LDW) system at the bottom of the windshield on its motorcoaches within the swept area of the windshield wipers. The Federal Motor Carrier Safety Regulations (FMCSRs) currently require antennas, transponders, and similar devices to be located not more than 6 inches below the upper edge of the windshield, outside the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals. Volvo/Prevost intends to install these devices as original equipment on its motorcoaches. Volvo/Prevost believes this mounting position will maintain a level of safety that is equivalent to or greater than the level of safety achieved without the exemption.

DATES: Comments must be received on or before January 17, 2014.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2013–XXX by any of the following methods:

- *Web site: http://www.regulations.gov*. Follow the instructions for submitting comments on the Federal electronic docket site. Fax: 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit *http://www.regulations.gov*.

Public participation: The *http://www.regulations.gov* Web site is generally available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* Web site and also at the DOT's *http://docketsinfo.dot.gov* Web site. If you want to be notified you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Brian J. Routhier, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–1225, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA–21) [Pub. L. 105–178, June 9, 1998, 112 Stat. 107, 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the FMCSRs. On August 20, 2004, FMCSA published a final rule implementing section 4007 (69 FR 51589). Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed [49 CFR 381.315(c) and 49 CFR 381.300(b)].

Volvo/Prevost's Application for Exemption

Volvo/Prevost applied for an exemption from 49 CFR 393.60(e)(1) to allow the installation of a LDW system on motorcoaches purchased by its customers. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.60(e)(1) of the FMCSRs prohibits the obstruction of the driver's field of view by devices mounted at the top of the windshield. Antennas, transponders and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield. These devices must be located outside the area swept by the windshield wipers and outside the driver's sight lines to the road and highway signs and signals.

In its application, Volvo/Prevost stated:

> Volvo/Prevost is making this request so it is possible to introduce a Lane Departure Warning system in line with [the] NHTSA Bus Safety plan as it already did for several other safety features. The camera must be installed in the wiper swept area of [the] windshield for the system to perform correctly because it must have a clear forward facing view of the road. On a today's typical coach the lower part of the windshield is outside the driver's sight lines to the road and highway signs and signals which is different from a truck. Therefore, we request the installation of the camera on the lower part of the windshield within the bottom 7 inches of the wiper swept area.

In addition, Volvo/Prevost noted that without the proposed temporary exemption, it will not be able to deploy the lane departure warning system in motorcoaches because (1) its customers will be fined for violating the current regulation, (2) the lane departure warning system will not perform adequately and will not bring the safety benefits expected, and (3) the camera would be more in the field of view of the driver. Volvo/Prevost states that if the exemption is granted, it ''will be able to install the LDW camera system in a location which will offer the best opportunity to optimize the data and evaluate the benefits of such a system.''

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on Volvo/Prevost's application for an exemption from 49 CFR 393.60(e)(1). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: December 11, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–30078 Filed 12–17–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–22194; FMCSA–2007–0017]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 16 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective January 8, 2014. Comments must be received on or before January 17, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2005–22194; FMCSA–2007–0017], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 16 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 16 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Garry A. Baker (OH)
Richard D. Becotte (NH)
Wayne A. Burnett (NC)
Alex G. Dlugolenski (CT)
Clinton D. Edwards (NE)
Jimmy D. Gregory (AR)
Boleslaw Makowsi (WI)
Joseph W. Meacham (LA)
Charles M. Moore (TX)
Gary T. Murray (GA)
Anthony D. Ovitt (VT)
John R. Parsons, III (VA)
Martin Postma (IL)
Steven S. Reinsvold (WI)
George E. Todd (WV)
Bradley A. Weiser (OH)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 16 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (70 FR 57353; 70 FR 72689; 72 FR 62897; 72 FR 67340; 73 FR 1395; 74 FR 60021; 74 FR 65845; 76 FR 70210; 76 FR 78728). Each of these 16 applicants has requested renewal of the

exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by January 17, 2014.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 16 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–2005–22194; FMCSA–2007–0017 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed exemption based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2005–22194; FMCSA–2007–0017 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed exemption.

Issued on: December 3, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–29946 Filed 12–17–13; 8:45 a.m.]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–5578; FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2005–22194; FMCSA–2007–26653; FMCSA–2007–29019; FMCSA–2011–0092; FMCSA–2011–0142; FMCSA–2011–0276]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 16 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective January 3, 2014. Comments must be received on or before January 17, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–1999–5578; FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2005–22194; FMCSA–2007–26653; FMCSA–2007–29019; FMCSA–2011–0092; FMCSA–2011–0142; FMCSA–2011–0276], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any

personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 16 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 16 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Woodrow E. Bohley (MO)
Kenneth E. Bross (MO)
Tracy L. Butcher (VA)
Russell W. Foster (OH)
Earl M. Frederick (SC)
Kevin Jacoby (NJ)
Eric L. Kinner (NY)
Richard L. Loeffelholz (WI)
Michael S. Maki (MN)
Herman C. Mash (NC)
Frank T. Miller (OH)
Robert G. Rascicot (FL)
Harry Smith, Jr. (NC)
Harry J. Stoever, Jr. (NJ)
Jon H. Wurtele (NE)
Walter M. Yohn, Jr. (AL)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 16 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 27027; 64 FR 40404; 64 FR 51568; 64 FR 54948; 64 FR 66962; 65 FR 159; 66 FR 48504; 66 FR 66969; 68 FR 54775; 68 FR 69432; 70 FR 53412; 70 FR 57353; 70 FR 72689; 71 FR 644; 72 FR 8417; 72 FR 36099; 72 FR 58362; 72 FR 62896; 72 FR 67344; 72 FR 71995; 74 FR 34394; 74 FR 43222; 74 FR 57553; 74 FR 65847; 76 FR 25766; 76 FR 37885; 76 FR 49528; 76 FR 53708; 76 FR 61143; 76 FR 67248; 76 FR 70212; 76 FR 75942; 76 FR 79760; 76 FR 79761). Each of these 16 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by January 17, 2014.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 16 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should

immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–1999–5578; FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2005–22194; FMCSA–2007–26653; FMCSA–2007–29019; FMCSA–2011–0092; FMCSA–2011–0142; FMCSA–2011–0276 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed exemption based on your comments. FMCSA may issue a final exemption at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–1999–5578; FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2005–22194; FMCSA–2007–26653; FMCSA–2007–29019; FMCSA–2011–0092; FMCSA–2011–0142; FMCSA–2011–0276 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed exemption.

Issued on: December 4, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–29955 Filed 12–17–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2009–0303]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 15 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective January 28, 2014. Comments must be received on or before January 17, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2009–0303], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 15 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 15 applications for renewal on their merits and decided to extend each

exemption for a renewable two-year period. They are:

Teddy S. Bioni (PA)
John K. Butler (CT)
James J. Coffield (NM)
Roy E. Crayne (WA)
Ralph G. Debardi (WV)
James A. DuBay (MI)
Donald E. Halvorson (NM)
Roger D. Kool (IA)
Phillip J.C. Locke (CO)
Brian T. Nelson (MN)
James C. New (MS)
Christopher M. Rivera (NM)
Richard S. Robb (NM)
Robert E. Whitney (IL)
James M. Wood (NC)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 15 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (74 FR 60022; 75 FR 4623; 77 FR 543). Each of these 15 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by January 17, 2014.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 15 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–2009–0303 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed exemption based on your comments. FMCSA may issue a final exemption at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2009–0303 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed exemption.

Issued on: December 4, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–29954 Filed 12–17–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2013–0002–N–25]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice and Request for Comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requests (ICRs) abstracted below are being forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collections and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on September 25, 2013 (78 FR 59086).

DATES: Comments must be submitted on or before January 17, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590 (Telephone: (202) 493–6292), 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 issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On September 25, 2013, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. *See* 78 FR 59086. FRA received no comments after issuing this notice. Accordingly, these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and are being forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the nature of the information collection requirements (ICRs) and the expected burden. The revised requirements are being submitted for clearance by OMB as required by the PRA.

Title: Emergency Order No. 28, Notice No. 1.

OMB Control Number: 2130–0601.

Type of Request: Regular Clearance with no change of a current collection approved in August 2013 for six months under Emergency Clearance Procedures.

Affected Public: Railroads.

Form(s): N/A.

Abstract: FRA has determined that public safety compelled the issuance of Emergency Order No. 28, which requires railroads operating on the general system of transportation to implement additional processes and procedures to ensure that unattended trains and vehicles on mainline track or sidings are properly secured against unintended movement. Emergency Order No. 28 was published in the **Federal Register** on August 7, 2013, in response to the catastrophic accident that occurred in Lac-Mégantic, Quebec, Canada, on July 6, 2013. *See* 78 FR 48218. Emergency Order No. 28 is intended to address some of the human factors failures that may cause unattended equipment to be improperly secured in order to protect the general public and communities near the general system of rail transportation and railroad equipment that is used on it against derailment situations similar to that which occurred at Lac-Mégantic.

The collection of information is being used by FRA to ensure that railroads and their employees fulfill all the requirements that are set out in the Emergency Order. Among other purposes, FRA will use the information collected to verify that railroads develop, adopt, and comply with a plan that identifies specific locations and circumstances when a train or vehicle transporting the type and quantity of hazardous materials described in Appendix A of this Emergency Order shall be left unattended on a mainline track or mainline siding outside of a yard or terminal. FRA will also use the collection of information to confirm that railroads review and verify and adjust, as necessary, existing procedures and processes related to the number of hand brakes to be set on all unattended trains and equipment. Railroads must ensure the means of verifying that the number is appropriate. FRA will use the collection of information to enforce compliance, where necessary.

Annual Estimated Burden: 229,643 hours.

Title: Special Notice for Repairs.

Addressee: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC, 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on December 12, 2013.

Rebecca Pennington,

Chief Financial Officer.

[FR Doc. 2013–30026 Filed 12–17–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2013–0002–N–26]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice and Request for Comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on September 16, 2013 (78 FR 56995).

DATES: Comments must be submitted on or before January 17, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590 (Telephone: (202) 493–6292), 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), Pub. L. No. 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 issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On September 16, 2013, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. *See* 78 FR 56995. FRA received one comment in response to this notice pertaining to this particular collection of information.

The comment came from the Dennis J. Fixler, Chief Statistician, of the Bureau of Economic Analysis (BEA). Mr. Fixler stated the following:

The Bureau of Economic Analysis (BEA) strongly supports the continued collection of data by the Federal Railroad Administration on the Accident/Incident Reporting and Recordkeeping forms. The data collected on these forms are crucial to key components of BEA's economic statistics.

BEA uses data collected on these forms to prepare estimates of the employee compensation component of national income and state personal income. Specifically, data on the number of employee injuries and deaths from forms FRA F 6180.55 and FRA F 618.55a, Railroad Injury and Illness Summary, are used to prepare estimates of workers' compensation for the railroad industry. These same data are used to prepare estimates of workers' compensation for the railroad industry by state . . .

FRA received no other comments. Accordingly, these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and are being forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the nature of the information collection request (ICR) and the expected burden. The revised request is being submitted for clearance by OMB as required by the PRA.

Title: Accident/Incident Reporting and Recordkeeping.

OMB Control Number: 2130–0500.

Type of Request: Extension with change of a current collection approved.

Affected Public: Railroads.

Form(s): FRA F 6180.39i; 54; 55; 55A; 56; 57; 78; 81; 97; 98; 99;107; 150.

Abstract: The collection of information is due to the railroad accident reporting regulations set forth in 49 CFR Part 225 which require railroads to submit monthly reports summarizing collisions, derailments, and certain other accidents/incidents involving damages above a periodically revised dollar threshold, as well as certain injuries to passengers, employees, and other persons on railroad property. Because the reporting requirements and the information needed regarding each category of accident/incident are unique, a different form is used for each category.

Annual Estimated Burden: 39,095 hours.

Title: Special Notice for Repairs.

Addressee: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC, 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on December 12, 2013.

Rebecca Pennington,

Chief Financial Officer.

[FR Doc. 2013–30025 Filed 12–17–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2013–0035]

Notice of Buy America Waiver for a Video Ready Access Device Cabinet

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Buy America Waiver.

SUMMARY: In response to the City of Charlotte's request for a Buy America waiver for a Video Ready Access Device (VRAD) cabinet, the Federal Transit Administration (FTA) hereby waives its Buy America requirements for the

VRAD cabinet needed for an AT&T utility relocation associated with the Charlotte Area Transit System's (CATS) LYNX Blue Line Extension project. This waiver is limited to a single procurement for the VRAD cabinet for the LYNX Blue Line Extension project.

FOR FURTHER INFORMATION CONTACT: Mary J. Lee, FTA Attorney-Advisor, at (202) 366–0985 or *mary.j.lee@dot.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this notice is to announce that the Federal Transit Administration (FTA) has granted a non-availability waiver for the procurement of a Video Ready Access Device (VRAD) cabinet that will be used in a utility relocation performed by AT&T. This utility relocation will be performed in connection with the Charlotte Area Transit System's (CATS or City of Charlotte) LYNX Blue Line Extension (BLE) project, which is an FTA-funded project.

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless ''the steel, iron, and manufactured goods used in the project are produced in the United States.'' 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product take place in the United States; and (2) all of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). If, however, FTA determines that ''the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality,'' then FTA may issue a waiver (non-availability waiver). 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

On May 24, 2013, the City of Charlotte requested an interpretation of FTA's Buy America rules with respect to the utility relocation performed for the CATS LYNX BLE project. In an August 8, 2013 letter to the City of Charlotte, FTA determined that the VRAD cabinet is a component of the communications network end product. Having performed its own analysis prior to FTA's August 8, 2013 determination, on June 4, 2013, the City of Charlotte requested a non-availability waiver for the VRAD cabinet. According to the City of Charlotte, AT&T has been working diligently to find U.S. manufactured components and has been able to identify U.S. manufacturers of most of the components necessary for the utility relocation. The only remaining component for which AT&T is unable to find a U.S. manufacturer is the VRAD cabinet.[1]

In subsequent telephone conversations and in-person meetings between AT&T, FTA, and the Federal Highway Administration, FTA learned that the VRAD cabinet, which is manufactured by Alcatel-Lucent, can be manufactured in either Mexico or Washington State. Under its current contract with Alcatel-Lucent, however, AT&T is unable to select the manufacturing facility where the VRAD cabinet is manufactured.

On August 27, 2013, FTA published a notice to request comments on the City of Charlotte's waiver request for the VRAD cabinet. The comment period closed on September 26, 2013. FTA did not receive any comments to the docket, docket number FTA–2013–0035.

Based upon AT&T's assertions that it is unable to procure a U.S.-manufactured VRAD cabinet at this time and that it expects to require U.S. manufacture of the VRAD cabinet in subsequent contracts that fall within the scope of FTA-funded projects, FTA hereby waives its Buy America requirement for manufactured products under 49 CFR 661.5(d) for the VRAD cabinet. This waiver is limited to a single procurement for the VRAD cabinet for the CATS LYNX Blue Line Extension project.

Issued On: December 5, 2013.

Dorval R. Carter, Jr.,

Chief Counsel.

[FR Doc. 2013–29778 Filed 12–17–13; 8:45 am]

BILLING CODE 4910–57–M

[1] Initially, the City of Charlotte requested Buy America waivers for the VRAD cabinet and the Cross Connect cabinet. Since then, however, AT&T has been able to identify a U.S. manufacturer of the Cross Connect cabinet.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. MCF 21057]

Royal City Charter Coach Lines Ltd.—Acquisition of Control—Quick Coach Lines Ltd. d/b/a Quick Shuttle Service

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice Tentatively Authorizing Finance Transaction.

SUMMARY: On November 18, 2013, Royal City Charter Coach Lines Ltd. (Royal, or Applicant) filed an application under 49 U.S.C. 14303 for approval of its acquisition of control of Quick Coach Lines Ltd. d/b/a Quick Shuttle Service (Quick). The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action. Persons wishing to oppose the application must follow the rules at 49 CFR 1182.5 and 1182.8.

DATES: Comments must be filed by February 3, 2014. Applicants may file a reply by February 18, 2014. If no comments are filed by February 3, 2014, this notice shall be effective on February 4, 2014.

ADDRESSES: Send an original and 10 copies of any comments referring to Docket No. MCF 21057 to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, send copies of comments to Applicant's representative: Stephen Flott, Flott & Co. PC, P.O. Box 17655, Arlington, VA 22216–7655.

FOR FURTHER INFORMATION CONTACT: Jonathon Binet, (202) 245–0368. Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Applicant is a noncarrier holding company based in British Columbia, Canada. Applicant states that it currently controls a group of companies operating approximately 85 motor coaches, primarily in British Columbia and Alberta, Canada, and in Washington State, and employing approximately 160 people. In 2012, these companies generated more than $17 million in gross revenue. Royal currently owns 50% of the stock in Quick, but has no interest in any other federally regulated motor carriers. 461233 BC Ltd. (Seller) currently owns the other 50% of Quick's stock and approached Royal to sell Royal its shares.

Seller is a noncarrier company based in British Columbia. Seller's current ownership of Quick, and its wholly owned subsidiary Quick Coach Lines USA Inc. (Quick USA), represents its only interest in federally regulated motor carriers.

Applicant states that Quick provides charter, scheduled, commuter, and special services to the traveling public in Washington State. Quick holds authority from the Federal Motor Carrier Safety Administration (FMCSA) as a motor carrier of passengers (MC–205116).

Quick USA is a wholly owned subsidiary of Quick. When Royal acquires control of Quick, it will also obtain control of Quick USA. Quick USA is currently inactive and does not provide any motor passenger services. It

holds, however, authority from the FMCSA as a motor carrier of passengers (MC–299860).

Under the proposed transaction, Applicant seeks permission to acquire all of Seller's shares of Quick. Royal will then own 100 percent of Quick's shares and 100 percent of the shares of its wholly owned subsidiary, Quick USA. Applicant and Seller have entered into an agreement that is scheduled to close no later than December 1, 2013, subject to Board approval and other conditions.

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees. Applicant has submitted information, as required by 49 CFR 1182.2, including the information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), and a statement that annual aggregate gross operating revenues of the carriers involved exceeded $2 million. *See* 49 U.S.C. 14303(g).

With respect to the effect of the transaction on the adequacy of transportation to the public, Applicant states that the proposed acquisition would have no adverse impact because the acquisition will not materially alter the service levels, result in any operational changes, or alter the competitive balance of motor passenger carriers in Washington State. Applicant anticipates operating the businesses of Quick and Quick USA in essentially the same manner in which they are currently being conducted. With respect to fixed charges, Applicant anticipates that the proposed transaction would have no adverse effect on total fixed charges. Applicant states that the transaction would not adversely affect the interests of Quick employees. All of the qualified employees would continue their employment following the acquisition.

On the basis of the application, the Board finds that the proposed acquisition is consistent with the public interest and should be tentatively approved and authorized because the proposed transaction does not impact the adequacy of transportation to the public, would have no adverse effect on total fixed charges, and would not adversely affect the interests of Quick employees. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*''.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective February 4, 2014, unless opposing comments are filed by February 3, 2014.

4. A copy of this notice will be served on: (1) U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590.

Decided: December 13, 2013.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2013–30092 Filed 12–17–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS

Allowance for Private Purchase of an Outer Burial Receptacle in Lieu of a Government-Furnished Graveliner for a Grave in a VA National Cemetery

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Public Law 104–275 was enacted on October 9, 1996. It allows the Department of Veterans Affairs (VA) to provide a monetary allowance towards the private purchase of an outer burial receptacle for use in a VA national cemetery. Under VA regulation (38 CFR 38.629), the allowance is equal to the average cost of Government-furnished graveliners less any administrative costs to VA. The law provides a veteran's survivors with the option of selecting a Government-furnished graveliner for use in a VA national cemetery where such use is authorized.

The purpose of this Notice is to notify interested parties of the average cost of Government-furnished graveliners, administrative costs that relate to processing and paying the allowance and the amount of the allowance payable for qualifying interments that occur during calendar year 2014.

FOR FURTHER INFORMATION CONTACT: Tamula Jones, Budget Operations and Field Support Division, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; or (202) 461–6688. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Under 38 United States Code (U.S.C.) 2306(e)(3) and (4) and Public Law 104–275, Section 213, VA may provide a monetary allowance for the private purchase of an outer burial receptacle for use in a VA national cemetery where its use is authorized. The allowance for qualified interments that occur during calendar year 2014 is the average cost of Government-furnished graveliners in fiscal year 2013, less the administrative costs incurred by VA in processing and paying the allowance in lieu of the Government-furnished graveliner.

The average cost of Government-furnished graveliners is determined by taking VA's total cost during a fiscal year for single-depth graveliners that were procured for placement at the time of interment and dividing it by the total number of such graveliners procured by VA during that fiscal year. The calculation excludes both graveliners procured and pre-placed in gravesites as part of cemetery gravesite development projects and all double-depth graveliners. Using this method of computation, the average cost was determined to be $311.00 for fiscal year 2013.

The administrative costs incurred by VA consist of those costs that relate to processing and paying an allowance in lieu of the Government-furnished graveliner. These costs have been determined to be $9.00 for calendar year 2014.

The allowance payable for qualifying interments occurring during calendar year 2014, therefore, is $302.00.

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, approved this document on December 9, 2013, for publication.

Dated: December 12, 2013.

Robert C. McFetridge,

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

[FR Doc. 2013–29971 Filed 12–17–13; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 78 Wednesday,

No. 243 December 18, 2013

Part II

The President

Presidential Determination No. 2014–03 of November 29, 2013—
Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012
Proclamation 9070—Bill of Rights Day, 2013

Federal Register
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Presidential Documents

Title 3—

The President

Presidential Determination No. 2014–03 of November 29, 2013

Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

Memorandum for the Secretary of State[,] the Secretary of the Treasury[, and] the Secretary of Energy

By the authority vested in me as President by the Constitution and the laws of the United States, after carefully considering the report submitted to the Congress by the Energy Information Administration on October 31, 2013, and other relevant factors, including global economic conditions, increased oil production by certain countries, and the level of spare capacity, I determine, pursuant to section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012, Public Law 112–81, and consistent with my determinations of March 30, 2012, June 11, 2012, December 7, 2012, and June 5, 2013, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

I will closely monitor this situation to ensure that the market can continue to accommodate a reduction in purchases of petroleum and petroleum products from Iran.

The Secretary of State is authorized and directed to publish this memorandum in the **Federal Register.**

THE WHITE HOUSE,
Washington, November 29, 2013.

[FR Doc. 2013–30276
Filed 12–17–13; 11:15 am]
Billing code 4710–10

Presidential Documents

Proclamation 9070 of December 13, 2013

Bill of Rights Day, 2013

By the President of the United States of America

A Proclamation

When America's Founders declared our independence, they set forth an idea that became our Nation's defining creed: ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'' They understood that while these truths have always been self-evident, they have never been self-executing. After 15 years of democratic experimentation and national debate, the Bill of Rights came into force, touching off a long journey to carve America's highest ideals into enduring, enforceable law.

The Bill of Rights is the foundation of American liberty, securing our most fundamental rights—from the freedom to speak, assemble, and practice our faith as we please to the protections that ensure justice under the law. For almost two and a quarter centuries, these 10 Constitutional Amendments have served as a basis from which civil society could grow and flourish. They have encouraged innovation and defended Americans who questioned, challenged, and dared our Nation to be greater.

Thomas Jefferson once wrote, ''I am not an advocate for frequent changes in laws and constitutions, but laws and constitutions must go hand in hand with the progress of the human mind.'' Our liberties opened heated debate over the questions of citizenship and human rights, driving progress in the American mind. We learned that our Nation, built on the principles of freedom and equality, could not survive half-slave and half-free. We resolved that our daughters must have the same rights, the same chances, and the same freedom to pursue their dreams as our sons, and that if we are truly created equal, then the love we commit to one another must be equal as well. Americans with disabilities tore down legal and social barriers; disenfranchised farmworkers united to claim their rights to dignity, fairness, and a living wage; civil rights activists marched, bled, and gave their lives to bring the era of segregation to an end. As we celebrate the anniversary of the Bill of Rights, let us reach for a day when we all may enjoy the basic truths of liberty and equality.

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 15, 2013, as Bill of Rights Day. I call upon the people of the United States to mark this observance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth 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. 2013–30277
Filed 12–17–13; 11:15 am]
Billing code 3295–F4

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