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Federal Register

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MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is amending its rules of practice and procedure to reflect the relocation of its Washington Regional Office.

DATES: Effective July 29, 2013.

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

SUPPLEMENTARY INFORMATION: On July 26, 2013, MSPB will relocate its Washington Regional Office from 1800 Diagonal Road, Alexandria, Virginia, to 1901 S. Bell Street, Arlington, Virginia. Appendix II of this part is amended to show the new address. The facsimile number and the geographical areas served by the Washington Regional Office are unchanged. The Board is publishing this as a final rule pursuant to 5 U.S.C. 1204(h).

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure.

Accordingly, the Board amends 5 CFR part 1201 as follows:

PART 1201—PRACTICES AND PROCEDURES

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, unless otherwise noted.

Appendix II to Part 1201 [Amended]

■ 2. Amend Appendix II to part 1201 in item 4. by removing ''1800 Diagonal Road, Alexandria, Virginia 22314'' and adding, in its place, ''1901 S. Bell Street, Arlington, Virginia 22202''.

William D. Spencer,

Clerk of the Board.

[FR Doc. 2013–17592 Filed 7–22–13; 8:45 am]

BILLING CODE 7400–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0609; Airspace Docket No. 13–ASO–15]

Amendment of Class E Airspace; Tri-Cities, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace for the Tri-Cities, TN area, by correcting the regulatory text of the Class E surface airspace at Tri-Cities Regional Airport, Tri-Cities, TN. Exclusionary language was omitted in the final rule published in the **Federal Register** of February 5, 2013, This action is necessary for the safety and management of Instrument Flight Rules (IFR) operations in the Tri-Cities area.

DATES: Effective date: 0901 UTC July 23, 2013.

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

History

On February 5, 2013, the FAA published in the **Federal Register** a final rule amending Class D and E airspace in the Tri-Cities, TN, area (78 FR 7993). The line defining the exclusion of controlled airspace surrounding the Edwards Heliport in the Class E surface area airspace description for Tri-Cities Regional Airport, Tri-Cities, TN, was erroneously omitted. Since any delay in correcting the controlled airspace in order to seek public comment would be inconsistent with the agency's safety mandate, action is taken herein to include the corrective language. Since the regulatory text, as currently described, penetrates the controlled airspace of Edwards Heliport, immediate corrective action is required in the interest of flight safety. Therefore, I find that notice and public procedures under 5 U.S.C. 553(b) is impracticable and contrary to the public interest. Also, in consideration of the need to include this exclusion of controlled airspace for Tri-cities Regional Airport and to avoid confusion on the part of pilots flying in the vicinity of Tri-Cities, TN, the FAA finds good cause, pursuant to 5 U.S.C. 553(d), for making this amendment effective in less than 30 days in order to promote the safe and efficient handling of air traffic in the area.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E surface airspace at Tri-Cities Regional Airport, Tri-Cities, TN, by inserting in the regulatory text the exclusion of the 2.5-mile radius surrounding Edwards Heliport.

The Class E airspace designations are published in Paragraph 6002 of FAA Order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code.

Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Tri-Cities Regional Airport, Tri-Cities, TN.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Designated as Surface Areas

* * * * *

ASO TN E2 Tri-Cities, TN [Amended]

Tri-Cities Regional Airport, TN/VA
(Lat. 36°28′31″ N., long. 82°24′27″ W.)
Edwards Heliport, TN
(Lat. 36°25′57″ N., long. 82°17′37″ W.)

That airspace extending upward from the surface within a 6.8-mile radius of Tri-Cities Regional Airport, excluding the 2.5-mile radius of Edwards Heliport. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

Issued in College Park, Georgia, on July 10, 2013.

Jack Allen,

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

[FR Doc. 2013–17256 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 736 and 746

[Docket No. 130627574–3574–01]

RIN 0694–AF94

Amendments to the Export Administration Regulations: Implementation of Limited Syria Waiver for Reconstruction Assistance

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to implement a limited waiver, published by the Secretary of State on June 12, 2013, of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (the SAA). The waiver authorizes BIS to issue licenses on a case-by-case basis for the export or reexport of certain commodities, software, and technology necessary for the support of the Syrian people. Specifically, consistent with Section 5(b) of the SAA, Executive Order 13338 of May 11, 2004 and the International Emergency Economic Powers Act (IEEPA), BIS implements the waiver by amending its Syria licensing policy under the EAR. BIS will review licenses on a case-by-case basis for the export or reexport of certain commodities, software, and technology, including, but not limited to, those related to water supply and sanitation, agricultural production and food processing, power generation, oil and gas production, construction and engineering, transportation, and educational infrastructure, as a means of helping to address the critical needs of the Syrian people and facilitating reconstruction. These exports are necessary to support a political transition, restore stability, and counter destabilizing influences in the region, and are therefore essential to the national security of the United States.

DATES: This rule is effective July 23, 2013.

FOR FURTHER INFORMATION CONTACT: Steven Schrader, Senior Export Policy Analyst, Foreign Policy Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, by phone (202) 482–1338 or by email *Steven.Schrader@bis.doc.gov* or the BIS Foreign Policy Division at (202) 482–4252.

SUPPLEMENTARY INFORMATION:

Background

In the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Pub. L. 108–175, codified as a note to 22 U.S.C. 2151) (the SAA), the United States addressed the Syrian government's support for terrorist groups, its military presence in Lebanon, its pursuit of weapons of mass destruction, and its actions to undermine U.S. and international efforts with respect to the stabilization and reconstruction of Iraq (Section 5(a) and (d)). Section 5(a)(1) of the SAA requires the President to prohibit the export to Syria of all items on the Commerce Control List (15 CFR Part 774). The SAA also requires the President to impose two or more of the six additional sanctions set forth in Section 5(a)(2)(A)–(F).

The President implemented those sanctions through Executive Order (EO) 13338 of May 11, 2004, which includes an additional sanction prohibiting the export to Syria of products of the United States other than food and medicine. However, the President exercised national security waiver authority pursuant to Section 5(b) of the SAA, which authorized certain transactions under BIS license and delegated his authority to issue additional waivers to the Secretary of State.

In accordance with this EO, BIS implemented sanctions on Syria by issuing General Order No. 2 to Supplement No. 1 to Part 736 of the Export Administration Regulations (EAR). *See* 69 FR 26766 (May 14, 2004). In addition, BIS later made administrative changes to General Order No. 2 and § 746.9 of the EAR to facilitate compliance with the comprehensive U.S. sanctions on Syria. *See* 74 FR 77115 (Dec. 12, 2011).

On June 12, 2013, the Secretary of State exercised authority delegated to him by the President in Section 9 of EO 13338 to waive the application of specific sanctions imposed on Syria pursuant to the SAA. This rule

implements the Secretary of State's waiver by amending General Order No. 2 and § 746.9 of the EAR. Specifically, BIS revises the list of waivers in General Order No. 2 and the associated licensing policy in § 746.9 of the EAR to allow case-by-case review of applications for exports and reexports of items necessary for the support of the Syrian people. These exports are necessary to support a political transition, restore stability, and counter destabilizing influences in the region, and are therefore essential to the national security of the United States. The items may include, but are not limited to, commodities, software, and technology related to water supply and sanitation, agricultural production and food processing, power generation, oil and gas production, construction and engineering, transportation, and educational infrastructure.

Since August 21, 2001, the Export Administration Act (the Act) has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended most recently by the Notice of August 15, 2012, 77 FR 49699 (August 16, 2012), has continued the EAR in effect under the IEEPA. BIS continues to carry out the provisions of the Act, as appropriate and to the extent permitted by law, pursuant to EO 13222.

Rulemaking Requirements

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

2. Notwithstanding any other provisions of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB Control Number. This rule involves collections of information subject to the PRA. This collection has been approved by OMB under control number 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 43.8 minutes to prepare and submit form BIS–748. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. Pursuant to 5 U.S.C. 553(a)(1), the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (*see* 5 U.S.C. 553(a)(1)). This rule implements the waiver of certain sanctions on Syria to authorize the exportation or reexportation of items necessary for the support of the Syrian people. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no Regulatory Flexibility analysis is required and none has been prepared. Notwithstanding these considerations, BIS welcomes public comments and will review them on a continuing basis.

List of Subjects

15 CFR Part 736

Exports.

15 CFR Part 746

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 736 and 746 of the EAR (15 CFR parts 730–774) are amended as follows:

PART 736—[AMENDED]

■ 1. The authority citation for 15 CFR part 748 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 2151 note; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of May 9, 2012, 77 FR 27559 (May 10, 2012); Notice of August 15, 2012, 77 FR 49699 (August 16, 2012); Notice of November 1, 2012, 77 FR 66513 (November 5, 2012).

■ 2. Supplement No. 1 to part 736, in paragraph (b), General Order No. 2 is amended by revising the last phrase in the third sentence and adding a phrase after it to read as follows:

Supplement No. 1 to Part 736—General Orders

* * * * *

(b) * * *

General Order No. 2 * * * ; items in support of United Nations operations in Syria; and items necessary for the support of the Syrian people, including, but not limited to, items related to water supply and sanitation, agricultural production and food processing, power generation, oil and gas production, construction and engineering, transportation, and educational infrastructure. * * *

* * * * *

PART 746—[AMENDED]

■ 3. The authority citation for 15 CFR part 746 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 287c; Sec 1503, Pub. L. 108–11, 117 Stat. 559; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p 168; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Presidential Determination 2007–7 of December 7, 2006, 72 FR 1899 (January 16, 2007); Notice of May 9, 2012, 77 FR 27559 (May 10, 2012); Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

■ 4. In § 746.9, paragraph (c)(2) is amended by revising the last phrase in the first sentence and adding a phrase after it to read as follows:

§ 746.9 Syria

* * * * *

(c) * * *

(2) * * * ; items in support of United Nations operations in Syria; and items necessary for the support of the Syrian people, including, but not limited to, items related to water supply and sanitation, agricultural production and food processing, power generation, oil and gas production, construction and engineering, transportation, and educational infrastructure. * * *

* * * * *

Dated: July 17, 2013.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2013–17665 Filed 7–22–13; 8:45 am]

BILLING CODE 3510–33–P

FEDERAL TRADE COMMISSION

16 CFR Part 305

[3084–AB15]

Energy and Water Use Labeling for Consumer Products Under the Energy Policy and Conservation Act (Energy Labeling Rule)

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Final rule.

SUMMARY: The Commission amends the Energy Labeling Rule (''Rule'') by updating comparability ranges and unit energy costs for many EnergyGuide labels. The Commission also issues a conditional exemption and amendments for modified refrigerator and clothes washer labels to help consumers compare the labels for these products after the implementation of upcoming changes to the Department of Energy (''DOE'') test procedures.

DATES: The amendments published in this document will become effective on November 15, 2013.

ADDRESSES: Requests for copies of this document should be sent to: Public Reference Branch, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580. The complete record of this proceeding is also available at that address. Relevant portions of the proceeding, including this document, are available at *http://www.ftc.gov.*

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, (202) 326–2889, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission issued the Energy Labeling Rule (''Rule'') in 1979,[1] pursuant to the Energy Policy and Conservation Act of 1975 (EPCA).[2] The Rule requires energy labeling for major home appliances and other consumer products, to help consumers compare competing models. When first published, the Rule applied to eight categories: Refrigerators, refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, and furnaces. The Commission subsequently expanded the Rule's coverage to include central air conditioners, heat pumps, plumbing products, lighting products, ceiling fans, and televisions. The Commission is currently conducting a regulatory review of the Rule.[3]

The Rule requires manufacturers to attach yellow EnergyGuide labels for many of the covered products, and prohibits retailers from removing the labels or rendering them illegible. In addition, the Rule directs sellers, including retailers, to post label information on Web sites and in paper catalogs from which consumers can order products. EnergyGuide labels for covered products contain three key disclosures: Estimated annual energy cost (for most products); a product's energy consumption or energy efficiency rating as determined from DOE test procedures; and a comparability range displaying the highest and lowest energy costs or efficiency ratings for all similar models. For energy cost calculations, the Rule specifies national average costs for applicable energy sources (*e.g.,* electricity, natural gas, oil) as calculated by DOE. The Rule sets a five-year schedule for updating comparability range and annual energy cost information.[4] The Commission updates the range information based on manufacturer data submitted pursuant to the Rule's reporting requirements.

II. Notice of Proposed Rulemaking

In a Notice of Proposed Rulemaking (NPRM) announced December 31, 2012,[5] the Commission, consistent with its five-year schedule, proposed to update the comparability ranges (Appendices A–J to Part 305) and national average energy costs (Appendix K to Part 305) for many EnergyGuide labels. The NPRM also contained several minor, proposed revisions and updates to the label's content, some suggested by commenters as part of the ongoing regulatory review. Finally, the Commission proposed to grant a request from the Association of Home Appliance Manufacturers (AHAM) for an exemption related to labeling requirements for refrigerators, refrigerator-freezers, and freezers (hereinafter referred to as ''refrigerators''), and clothes washers to address recent DOE test procedures.

In response to the NPRM, the Commission received 10 comments from organizations and individuals as well as 2,915 nearly identical letters from individual consumers as part of a mass mailing.[6] As discussed in detail below, the comments generally supported the Commission's proposals.

The Commission now publishes final amendments on these issues, with some minor changes detailed below.[7] Although the present amendments, along with an earlier final rule notice published on January 10, 2013 (78 FR 2200), address several issues raised during the regulatory review, the Commission plans to consider additional issues in a future notice.[8]

A. Comparability Range and Energy Cost Revisions

Background: The NPRM contained proposed revisions to the comparability range and energy cost information for many products bearing EnergyGuide labels.[9] In addition, the Commission proposed to update the average energy cost (*e.g.,* 12 cents per kWh) manufacturers must use to calculate a model's estimated energy cost for the label based on updated national

[1] 44 FR 66466 (Nov. 19, 1979) (Rule's initial promulgation).

[2] 42 U.S.C. 6294. EPCA also requires the DOE to develop test procedures that measure how much energy appliances use, and to determine the representative average cost a consumer pays for different types of energy.

[3] 77 FR 15298 (Mar. 15, 2012) (regulatory review). The Commission currently has another open proceeding related to light bulb coverage. *See* 76 FR 45715 (Aug. 1, 2011) (proposed expanded light bulb coverage).

[4] 16 CFR 305.10.

[5] See *http://www.ftc.gov/opa/2012/12/energylabel.shtm.* 78 FR 1779 (Jan. 9, 2013).

[6] *See http://ftc.gov/os/comments/energylabelrangers/index.shtm.* The organizational comments included: Alliance Laundry Systems LLC (# 563707–00002 and # 563707–00012), Association of Home Appliance Manufacturers (AHAM) (#563707–00003 and #563707–00013), Air-Conditioning, Heating, and Refrigeration Institute (AHRI) (#563707–00004 and #563707–00010), joint comments from several energy, environmental and consumer organizations (including Alliance to Save Energy, Appliance Standards Awareness Project, Consumer Federation of America, Consumers Union, Earthjustice, Natural Resources Defense Council, Public Citizen, and the Sierra Club) (''Joint Commenters'') (#563707–00005 and #563707–00011), and the California Independently Owned Utilities Codes & Standards Team (CA IOU) (#563707–00009), VanBrocklin (#563707–00008), and individual consumer letters (2,915 letters from individual consumers) (#563707–00006). All the consumer letters, which were gathered and submitted by Earthjustice, addressed the issue of label categories for refrigerator configurations.

[7] The amendments also contain several corrections to the numbering for the Rule's sample labels (section 305.17 and Appendix L), the list of states and capacity references on heating and cooling equipment labels in Appendix L, references to heating and cooling products in 305.12, and a Web site address in 305.20.

[8] 77 FR 15298.

[9] 16 CFR 305.10. In addition to revising existing comparability ranges, the Commission proposed to include a new range for instantaneous electric water heaters based on data submitted by industry.

averages published by DOE.[10] To effect these changes, the NPRM proposed amendments to the applicable tables in the Rule's appendices. The Commission proposed to require manufacturers to begin using this new information within 90 days after publication of a final notice.

The Commission did not propose to alter range and cost information for EnergyGuide labels for four product categories (refrigerators, clothes washers, furnaces and central air conditioners, and televisions) given upcoming DOE regulatory changes applicable to those products.[11] Instead, it proposed to wait and synchronize changes with the impending DOE regulations. By doing so, the Commission sought to avoid several label changes in a short time period, which could confuse consumers and burden manufacturers.

Comments: Comments (*e.g.,* AHAM, AHRI, and Alliance Laundry Systems) generally supported the proposal to update the label ranges. However, the Joint Commenters, who argued generally for more frequent range and cost updates, criticized the timing of the new range updates, including the proposed delay for refrigerator and clothes washer ranges pending upcoming DOE standards and test procedure changes. In addition, AHRI and AHAM offered several small corrections and suggestions. First, AHRI submitted corrected data for the range numbers for its members, fixing its inadvertent errors in its earlier submission. AHRI also explained that the ranges should not include information for instantaneous electric water heaters because no DOE test procedure exists for these products and the labeling requirements have never applied to them. In addition, AHRI recommended revisions for the gas pool heater ranges to reflect a revised minimum efficiency standard (82% thermal efficiency), which goes into effect on April 16, 2013. Lastly, AHAM suggested a 180-day compliance period for the new ranges, instead of the proposed 90-day period. AHAM reasoned that additional time will facilitate compliance and reduce the waste of discarding previously printed labels.

Discussion: The Commission issues the final ranges as proposed, using the updated data provided by AHRI and implementing the following four, minor changes.[12] First, the final ranges do not contain numbers for instantaneous electric water heaters because these products are not currently subject to DOE test procedures. If DOE finalizes testing and certification requirements for these products in the future, the Commission will consider conforming amendments. Second, the Commission amends the ranges for gas pool heaters to reflect DOE standards that go into effect on April 16, 2013. Third, the Commission updates the average energy costs for certain product labels based on recently published DOE 2013 data.[13] In addition, the amendments maintain the proposed 90-day compliance period consistent with the Rule's current provision for such changes (16 CFR 305.10). The Commission has consistently applied this interval in the past with no apparent, undue burden and does not wish to delay the range updates further.

Finally, the Commission has sought to synchronize the new range and cost updates with other ongoing regulatory changes to avoid multiple label changes in a short time period. For example, the Commission has coupled new ranges for dishwashers, room air conditioners, and water heaters in this Notice with several label content changes (discussed in section II.B. of this Notice), which required an opportunity for comment and thus additional time to promulgate.[14] In addition, as discussed in section III, the Commission plans to issue new ranges for refrigerators and clothes washers when the new DOE standards and test procedures become effective. The Commission, therefore, is not updating ranges for those products because such revised ranges would be short-lived and based on many models that are likely to become obsolete with the arrival of the new DOE standards.[15]

B. Proposed Revisions and Updates to Label Content

In addition to the proposed range and cost updates, the NPRM proposed five minor label changes to simplify and improve the disclosures. The Commission also sought comment on the possible elimination of range information on television labels and increasing the frequency of changes to range and cost information on all EnergyGuide labels.

1. Label Content Changes

Background: Consistent with recently implemented FTC labeling requirements for light bulb and television labels,[16] the Commission proposed to round the national average electricity (*e.g.,* 12 cents per kWh) and natural gas (*e.g.,* $1.09 per therm) rates to the nearest cent to calculate the label's estimated annual operating (energy) cost. In the past, the Rule has expressed these figures as a fraction of a cent (*e.g.,* 11.85 cents per kWh). A cost figure rounded to whole cents should be more familiar to consumers and not have any negative impact on the label's utility because any differences in cost from such rounding will be very small and apply to all models.[17]

Second, also consistent with the recent television and light bulb labeling requirements, the NPRM proposed to further simplify the label's cost disclosure by eliminating reference to the year of the underlying energy cost rate (*e.g.,* ''based on a 2007 national average electricity cost of 10 cents per kWh'') (section 305.11(f)). Under the

[10] 77 FR 29940 (Apr. 26, 2012) (DOE notice for ''Representative Average Unit Costs of Energy'').

[11] For refrigerators and clothes washers, as discussed below, the Commission will update range and cost information after the upcoming implementation of revised DOE standards and test procedures, which will significantly change energy use data for those products. *See infra.* Similarly, the Commission has addressed range updates for furnace and central air conditioner labels in a separate proceeding. 78 FR 8362 (Feb. 6, 2013) (regional standards labels). Finally, for televisions, the Commission will issue revisions to the television ranges in 16 CFR 305.17 after DOE adopts a test procedure. 77 FR 2830 (Jan. 19, 2012) (proposed DOE test procedure). The Commission will also establish an annual reporting schedule for television manufacturers at that time. Since EPCA requires annual reporting based on DOE test procedures and no DOE television test procedure currently exists, the Rule currently contains no reporting requirements. *See* 42 U.S.C. 6296(b)(4) (FTC annual reporting requirements tied to DOE test procedure); 16 CFR 305.8 (FTC reporting requirements). In addition, these amendments do not affect recently revised labeling requirements for lighting products. 75 FR 41696 (July 19, 2010). The Rule has separate provisions in section 305.15 for energy cost disclosures on lighting products, which are not included in the update schedule for products labeled with the EnergyGuide under section 305.11.

[12] To aid manufacturers in transitioning to the new ranges, FTC staff plans to provide sample label template files on its Web site. *See http://business.ftc.gov/documents/energyguide-labels-template.*

[13] 78 FR 17648 (Mar. 22, 2013). The relevant DOE 2013 energy costs for labeling include 12.01 cents for electricity (rounded to 12 cents for the purposes of the FTC label); $1.087 per therm for natural gas (rounded to $1.09 per therm); $3.80 per gallon for oil; and $2.41 per gallon for propane.

[14] In the past, the Commission has issued routine range updates without seeking comments. *See, e.g.,* 70 FR 60716 (Oct. 24, 2005).

[15] 78 FR 8362 (Feb. 6, 2012). The Commission plans to address the Joint Commenters' general concerns with the current range and cost update schedule in a future notice as part of the overall regulatory review.

[16] 75 FR 41696 (July 19, 2010) (light bulbs); 76 FR 1038 (Jan. 6, 2011) (televisions).

[17] DOE's 2012 national average energy cost data lists electricity at 11.84 cents/kWh. 77 FR 24940 (Apr. 26, 2012) (DOE fuel cost update). Accordingly, the FTC proposal would require manufacturers to use 12 cents/kWh in calculating energy cost for affected labels. The 2013 DOE figure is 12.10 cents/kWh. Thus, the final rule continues to use the rounded 12 cents/kWh.

current rule, this date remains on the label for five years. For example, labels for a product introduced in 2011 state that the cost figure derives from a 2007 national average. However, because energy rates can increase or decrease from year to year, the benefit of disclosing this detail on the label does not appear significant. More importantly, this disclosure could cause confusion. For instance, the ''2007'' reference in the example above may incorrectly suggest to some consumers that the product itself was produced in 2007. To avoid these problems, the Commission proposed to eliminate the reference to the year. The label would simply read ''based on a national average electricity cost of . . . .''

Third, based on comments in the ongoing regulatory review for the Rule, the Commission proposed to include a new disclosure on room air conditioners (section 305.11(f)) explaining that the label's cost estimate stems from an assumed 750 hours of operation per year.[18] Similar estimates already appear on other labels (*e.g.,* four loads per week for dishwashers and five hours per day for televisions). This change should help consumers gauge the product's estimated energy cost in the context of their own use.

Fourth, the Commission proposed amendments to replace the term ''operating cost'' with ''energy cost'' (section 305.11(f)). Some consumers may understand the term ''operating cost'' to include factors such as detergent supplies or the product's depreciation. The inclusion of ''energy cost,'' which already appears on the labels for televisions and light bulbs, should eliminate such problems. The term also appears on new labels for televisions and light bulbs. Finally, the NPRM contained a proposed conforming change to the Web site address on the label, from *www.ftc.gov/appliances* to *www.ftc.gov/energy.*

Comments: The comments generally supported, or at least did not oppose, these changes. For room air conditioners, however, the Joint Commenters and CA IOU comments offered language different from that proposed in the NPRM. The Joint Commenters argued that the language should express usage on a weekly or monthly basis (*e.g.,* ''8 hours of use per day for 3 months'') instead of a yearly basis (*i.e.,* ''750 hours per year''). In their view, the hours-per-year disclosure covers ''too large an amount and too long a time horizon'' to help consumers determine their own costs. They also argued that it is inconsistent with usage assumptions on other energy labels that provide weekly or daily figures (*e.g.,* four loads per week for dishwashers, eight loads per week for clothes washers, five hours per day for televisions, and three hours per day for light bulbs). CA IOU further suggested that the room air conditioner label communicate usage through a table illustrating estimated operating costs at various annual time-periods (*e.g.,* 750 hours per year) as well as electricity rates. Finally, AHAM noted that, beginning June 1, 2014, DOE will require a new energy efficiency metric called ''combined energy efficiency ratio (CEER)'' for room air conditioners.[19] This metric will replace ''energy efficiency ratio (EER)'' that currently appears on the label. The CEER takes into account energy consumption in standby and off mode. Though the new metric will lead to only small changes in annual energy estimates for room air conditioners, AHAM recommended that the Commission amend the label to replace EER with CEER.

Discussion: The final amendments implement the five label content changes as generally proposed. In response to the comments, the Commission has modified the proposed room air conditioner disclosure to communicate the daily usage hours for room air conditioners during a single season rather than the total hours over the course of the year (*i.e.,* 750 hours per year). The Commission agrees that this disclosure will make it easier for consumers to gauge the model's estimated energy cost against their own use of the product. To simplify the disclosure and avoid possible confusion, the final language states that the estimated annual energy cost is based on ''a seasonal use of 8 hours use per day over a 3 month period.'' Contrary to other suggestions, however, the Commission has not included a table with multiple cost estimates at different usage rates because it would significantly complicate the label's message, likely discouraging consumer use.[20]

2. Television Range Information and Range Updates

In addition, the Commission sought comment on whether to retain range information on television labels[21] and whether to update range and cost information more frequently than every five years. The Commission will address these issues in a later notice as part of the ongoing regulatory review for this Rule.

C. Proposed Conditional Exemption for Refrigerators and Clothes Washers

Background: In response to a request from the AHAM,[22] the Commission proposed a conditional exemption and rule amendments for refrigerators and clothes washers. New DOE testing procedures for these products, issued in conjunction with new efficiency standards, will change the methods for calculating a model's energy use and, as a result, trigger substantial changes to the energy information disclosed on EnergyGuide labels. To aid consumers in their comparison-shopping during the transition period, the Commission proposed a distinct label for models tested under the new DOE procedures. To ease the burden associated with the transition to the new test procedures, the Commission also proposed to allow manufacturers to begin labeling new models using the new DOE test procedures several months before the DOE compliance dates.[23]

The DOE regulatory changes necessitating these label revisions become effective on September 15, 2014 for refrigerators and March 7, 2015 for clothes washers.[24] The new, more stringent conservation standards will render a substantial portion of existing refrigerator and clothes washer models obsolete, and the updated test procedures will yield substantially different results than the current ones. According to AHAM, the new refrigerator test procedure will increase the measured energy use of refrigerators by approximately 14%, though the increase will vary among product classes, manufacturers, and individual

[18] Joint Comments from Energy-Efficiency and Consumer Organizations (May 16, 2012) (#560957–00015) available at *http://www.ftc.gov/os/comments/energylabelamend/00015-83010.pdf.*

[19] 77 FR 22454 (April 21, 2011).

[20] Finally, the Commission notes AHAM's suggestion to change EER to CEER on the room air conditioner label, consistent with upcoming DOE changes, and will seek comments on such a modification in a future notice.

[21] 16 CFR 305.17(f).

[22] AHAM comments (July 17, 2012) (# 560957–00023) at *http://www.ftc.gov/os/comments/energylabelamend/00023-83190.pdf* and (Sept. 11, 2012) (#560957–00025) at *http://www.ftc.gov/os/comments/energylabelamend/560957-00025-84112.pdf.*

[23] The Commission issued similar modifications in 2003 for clothes washer labels in response to changes in the DOE test procedure. 68 FR 23584 (May 5, 2003).

[24] 76 FR 57516 (Sept. 15, 2011) (refrigerator standards); 77 FR 3559 (Jan. 25, 2012) (refrigerator test procedure); 77 FR 32308 (May 31, 2012) (clothes washer standards); 77 FR 13888 (Mar. 7, 2012) (clothes washer test procedure). DOE rules require compliance with the new test procedures for all refrigerators by September 15, 2014 and for all clothes washers by March 7, 2015.

models.[25] In addition, the new clothes washer test procedure bases annual energy use estimates on 295 cycles per year (approximately six per week), instead of the current 392 cycles (approximately eight per week), thus reducing stated energy costs on the EnergyGuide labels by about 25%.[26]

After manufacturers begin to test their products using the new procedures, showrooms and Web sites will contain some models tested under the old procedure and others tested under the new one. This mix of EnergyGuide labels could severely hamper product comparisons.

To help facilitate the transition to the new efficiency standards and to aid shoppers who compare products during this period, AHAM proposed two measures. First, it sought permission to use the new DOE tests for labeling models introduced prior to DOE's compliance dates. AHAM sought to begin using the new test procedures and transitional labels for models introduced after January 1, 2014 for refrigerators, and June 1, 2014 for clothes washers. Second, it recommended different, transitional EnergyGuide labels for these models, to help consumers distinguish products tested under the new procedure from those tested under the old test regime. AHAM asked that the Commission require this modified label for products tested under the new procedure until DOE makes another substantial change to the test procedure for those products.

In response, the Commission proposed to exempt manufacturers from certain EnergyGuide testing and labeling requirements for refrigerator and clothes washer models, subject to several conditions. Specifically, the Commission proposed to grant a conditional exemption from the Rule's requirement that, for purposes of the EnergyGuide label, manufacturers use the estimated annual energy consumption derived from the test procedures presently required by DOE.[27] The Commission proposed to grant this exception only to the extent necessary to allow manufacturers[28] to use the new test procedures on refrigerator (including refrigerators, refrigerator-freezers, and freezers) and clothes washer models manufactured after January 1, 2014 (for refrigerators) and June 1, 2014 (for clothes washers). The Commission also proposed several conditions for the exemption, including the version of the DOE test that must be used, label disclosures about ranges, electricity rates, usage assumptions, and a special disclosure on the label reading: ''Compare to other labels with yellow numbers. Appliances that have labels with black numbers were tested differently to estimate cost and electricity used.''

To ensure label consistency following the exemption period, the Commission also proposed to require the new labels after the new DOE test procedures become effective, by amending sections 305.5(a) and 305.11 of the Rule. Thus, the new labels would apply to all refrigerators and clothes washers distributed on, or after, the new DOE test procedure compliance dates (September 15, 2014 for refrigerators and March 7, 2015 for clothes washers). The Commission proposed to maintain this new label until DOE further amends the test procedures for these products. In addition, the Commission stated that it would issue new comparability ranges for those products once it receives product data reflecting new and existing models tested under the new DOE procedures.

Comments: The comments generally supported the creation of distinct labels for refrigerators and clothes washers tested under the new test procedure. For example, AHAM explained that, without these proposed modifications, consumers will be confused given the significant changes resulting from the test procedure modifications. In its view, the proposed labels will effectively communicate to consumers that they should not compare the old and new labels. No comments opposed the proposal.

In supporting the proposal, AHAM offered two minor recommendations. First, it suggested slightly different wording for the new label's disclosure: ''Compare only to other labels with yellow numbers. These appliances were tested according to new U.S. Government requirements.''[29] AHAM raised concerns that the proposed phrase, ''tested differently,'' is ambiguous and might leave consumers ''wondering how and why the appliances were tested differently.'' AHAM argued its proposed language will give consumers enough information to understand the label without providing too much detail, which could be confusing. AHAM also urged the Commission to provide additional information about the upcoming transition on the Commission's Web site. Finally, AHAM recommended the inclusion of a reference to Appendix B in DOE's regulations, which is the revised test procedure for freezers because these products are also covered by the exemption.

Discussion: The Commission issues the proposed conditional exemption and amends the Rule to create a distinct label for refrigerators and clothes washers tested under the new DOE procedures. The transitional labels will avoid the display of a misleading mix of test results on EnergyGuide labels. In addition, the changes will reduce burdens by allowing refrigerator and clothes washer manufacturers to roll out new high-efficiency models well before the DOE compliance date and thus avoid the logistical complications associated with designing, producing, and testing many models at the same time.[30] Early compliance will also provide an incentive for manufacturers to introduce models that meet the more stringent energy standards sooner, thus providing consumers with more high-efficiency choices.[31] The Commission will provide information on its Web site to ensure information about the new label is available to consumers. Finally, the Commission agrees that AHAM's suggested language is less confusing and adopts it with a minor modification. The final language reads: ''Compare ONLY to other labels with yellow numbers. Labels with yellow numbers are based on the same test procedures.'' The Commission has substituted the phrase ''the same test procedures'' for AHAM's suggested ''new U.S. Government requirements'' to simplify the message and because the word ''new'' may mislead or confuse consumers in the future when the

[25] AHAM comments (May 16, 2012) (#560957–0013) at *http://www.ftc.gov/os/comments/energylabelamend/00013-83038.pdf.*

[26] *See* 77 FR 13888, 13933 (Mar. 7, 2012) (DOE clothes washer test procedure). The new DOE test procedure also includes the cost of energy consumed in non-active wash modes.

[27] 16 CFR 305.5(a) and 305.11(a) (FTC testing and labeling); *see also* 10 CFR Part 430 (DOE test procedures).

[28] Consistent with the Rule's requirements, the proposed exemption applies to both manufacturers and private labelers.

[29] Alliance Laundry also supported AHAM's proposed language modifications.

[30] To facilitate the early introduction of these higher-efficiency models, DOE has announced that manufacturers may certify these models with DOE using the new test procedures, thus relieving them from having to test new models under both the old and new test procedures during the transition period. On June 29, 2012, DOE issued guidance permitting early compliance with new or amended test procedures and standards. *See http://www1.eere.energy.gov/buildings/appliance_standards/pdfs/tp_faq_2012-06-29.pdf.* Thus, in DOE's view, manufacturers may begin using the new test procedures before the dates specified for compliance by DOE.

[31] AHAM also requested guidance on whether manufacturers must change model numbers for products during the DOE transition period. Unless the manufacturer modifies the model in a way that affects its energy performance, the Commission does not recommend changing model numbers during the transition.

revised test procedures will no longer be new.

The Commission grants manufacturers an exemption allowing them to use the results of DOE's new procedures and provide those results on EnergyGuide labels several months before the DOE compliance date for the new procedures.[32] The Commission grants this exemption only to the extent necessary to allow manufacturers [33] to use the new test procedures on new or existing refrigerator models (including refrigerators, refrigerator-freezers, and freezers) manufactured after January 1, 2014 and clothes washer models manufactured after June 1, 2014. If a manufacturer continues to use the current (*i.e.,* older) test results for a particular model until the new test procedures become mandatory on September 15, 2014 (for refrigerators) and March 7, 2015 (for clothes washers), the manufacturer must use the current label for that model. Manufacturers remain obligated to comply with all other Rule requirements. The Commission grants this exemption on the following additional conditions:

(1) For models manufacturers choose to test and label under the exemption, manufacturers must follow the new DOE test procedures in 10 CFR Part 430, Subpart B, Appendix A (refrigerators), Appendix B (freezers), and Appendix J2 (clothes washers) to determine the energy use figures printed on EnergyGuide labels; [34]

(2) For all such models, manufacturers must use EnergyGuide labels, as illustrated in Sample Labels 1A and 2A in Appendix L, with the energy cost and electricity use figures in yellow text framed by block boxes and containing the statement ''Compare ONLY to other labels with yellow numbers. Labels with yellow numbers are based on the same test procedures.''

(3) For all such models, manufacturers must print the estimated energy cost on the label above the center of the comparability range, and the following statement must appear directly below the range: ''Cost Range Not Available,'' as illustrated in Sample Labels 1A and 2A of this Notice; [35]

(4) For all such models, the label must state that the estimated energy cost is based on a national average electricity cost of 12 cents per kWh and, for clothes washers, $1.09 per therm; [36] and

(5) For all such clothes washer models, the label must state that the estimated energy cost is based on six wash loads per week and, as discussed below, must provide capacity in cubic feet.[37]

To ensure consistency following the exemption period, the Commission also amends the Rule at sections 305.5(a) and 305.11 to require these new labels after the test procedure transition. Thus, the new labels apply to all refrigerators and clothes washers manufactured on, or after, the DOE new test procedure compliance dates (September 15, 2014 for refrigerators and March 7, 2015 for clothes washers). These new labels, which clearly differentiate the procedures used to test each product, will prevent the consumer confusion that would result if a single label included information derived from different test procedures. The Commission plans to maintain this new label until DOE further amends the test procedures. In addition, after the Commission receives product data reflecting new and existing models tested under the new DOE procedures, it intends to issue new comparability ranges for those products.

D. Additional Refrigerator and Clothes Washer Issues

In its NPRM, the Commission also discussed three issues related to refrigerators and clothes washers raised in response to the regulatory review notice: (1) Changes to refrigerator range categories; (2) disclosures for refrigerator models with optional icemakers; and (3) capacity information for clothes washers.

1. Refrigerator Comparability Range Categories

Background: The current rule organizes refrigerator comparability ranges by product configuration (*e.g.,* models with top-mounted freezers) in Appendices A1–A8. These categories allow consumers to compare the energy use of similarly configured products. The requirements designate eight separate range categories for refrigerators and three for freezers. Similarly, the current rule contains three separate range categories for stand-alone freezer configurations in Appendices B1–B3.[38] These ranges disclose the energy costs associated with the most and least efficient models in a particular category. Specifically, for automatic-defrost refrigerator freezers, which typically populate the bulk of showroom floors, the Rule contains five categories (or styles): side-by-side door models with and without through-the-door ice service (Appendices A5 and A8); top-mounted freezer models with and without through-the-door ice service (A4 and A7); and bottom-mounted freezer models (A6). The Rule also has ranges for less common models, including those with manual and partial defrost models (A1 and A2), and refrigerator-only models (A1).[39]

In response to last year's regulatory review notice, several energy-efficiency and consumer groups urged the Commission to consolidate the comparability ranges into a single range covering all configurations.[40] They reasoned one range would allow consumers to compare a product's energy performance against all other models. AHAM opposed this approach, arguing that consolidation would cast fully-featured products that use more energy in an unfavorable light. AHAM also pointed to data suggesting that consumers usually replace their existing refrigerators with similarly configured models. AHAM acknowledged, however, that it had no detailed information directly addressing whether consumers shop with a specific configuration in mind. It concluded that, without clear data on consumer shopping habits, the Commission should refrain from changing the current ranges.[41]

In the January 9, 2013 NPRM,[42] the Commission did not propose to alter the refrigerator ranges, stating a reluctance to alter existing requirements without

[32] The Rule directs manufacturers to use the results of current DOE test procedures on their labels. 16 CFR 305.5(a) and 305.11(a) (FTC testing and labeling); *see also* 10 CFR Part 430 (DOE test procedures).

[33] Consistent with the Rule's requirements, the proposed exemption applies to both manufacturers and private labelers.

[34] Manufacturers also may use the new test procedures for labeling existing products during this period, but must follow all conditions of this exemption in doing so.

[35] The Commission will publish range information for the new labels once energy data becomes available for refrigerators and clothes washers tested under the new procedure, most likely in 2015.

[36] New range and cost updates, as well as minor label changes discussed in section II.B. (*i.e.,* fuel rates to the nearest cent and the use of ''energy cost'' instead of ''operating cost''), are not required for refrigerator and clothes washer labels until the new DOE test procedure compliance dates (September 15, 2014 for refrigerators and March 7, 2015 for clothes washers).

[37] The new DOE test procedure changes the estimated weekly clothes washer cycles from eight to six. 77 FR 13888 (DOE clothes washer test procedure). Manufacturers must disclose the new usage assumption (six cycles per week) on labels for models tested under the new procedure.

[38] The Rule further divides each model category into several size classes (*e.g.,* 19.5 to 21.4 cubic feet), each with its own comparability range.

[39] *See* 16 CFR Part 305, Appendices A and B.

[40] Joint Comments from Energy-Efficiency and Consumer Organizations (May 16, 2012) (#560957–00015) available at *http://www.ftc.gov/os/comments/energylabelamend/00015-83010.pdf.*

[41] AHAM comments (Sept. 11, 2012) (# 560957–00025) available at *http://www.ftc.gov/os/comments/energylabelamend/560957-00025-84112.pdf.*

[42] 78 FR 1785.

providing further opportunity for comment and in the absence of information about consumer buying habits. After DOE's new standards for refrigerators become effective in late 2014, the Commission indicated it would examine new range data and consider whether to propose changes to the range categories.

Comments: In response to the January 2013 NPRM, several commenters provided views about the organization of refrigerator range categories. AHAM maintained that the Commission should not change the current requirements without supporting data on consumer shopping habits. In contrast, the Joint Commenters urged the Commission to consolidate the ranges, citing data from Consumer Reports and AHAM suggesting that consumers do not limit their shopping comparisons to similarly-configured models. The Joint Commenters also submitted the results of an email survey to Earthjustice members demonstrating a strong preference for the consolidation of the comparison categories. The Joint Commenters also submitted more than 2,000 letters from Earthjustice members urging the Commission to consolidate these ranges. CA IOU also called on the Commission to change the label, but suggested the inclusion of two comparison ranges, one to compare similarly configured models and another to compare all models, regardless of configuration.

Discussion: The final rule does not change the refrigerator ranges. The Commission plans to update the ranges after DOE standards and test procedure become effective in 2014. Until that time, there will be no range information for the models tested under the new procedure, regardless of which category or subcategory apply. Once it receives new data, the Commission will examine the new data to determine whether the elimination of subcategories makes a practical difference in the ranges. In the meantime, the Commission will also consider the commenter views and, if appropriate, propose changes to the refrigerator range structure in a future notice.

2. ''Icemaker Ready'' Refrigerator-Freezer Models

Background: Currently, refrigerator labels do not reflect icemaker energy consumption because the current DOE test procedure does not measure a model's icemaker operation. The new DOE procedures, however, will account for icemakers. Therefore, the new labels will include icemaker energy consumption.[43] The new DOE testing rules divide relevant products into two categories (*i.e.,* units with pre-installed icemakers and units without). Each category will have its own EnergyGuide labels reflecting different tests. In light of this change, AHAM has raised concerns about so-called ''kitable'' models (*i.e.,* models that can be fitted with an icemaker before or after purchase).[44] In earlier comments, AHAM suggested that all ''kitable'' refrigerator labels should disclose the energy use of the model shipped without the optional icemaker to avoid overstating energy costs for models that may never have an icemaker. In addition, AHAM suggested additional label language to inform retailers and consumers that the addition of an icemaker will increase the model's energy costs.

In the NPRM, the Commission agreed that AHAM's proposal merited consideration, but noted that DOE plans to reexamine the treatment of these models under its test procedure, a reexamination that might provide guidance that addresses AHAM's concerns.[45] Accordingly, the Commission announced it would not impose additional testing-related disclosures for these products until DOE completed its deliberations.

Comments: In response to the NPRM, AHAM continued to urge the Commission to provide guidance on labeling ''icemaker ready'' models given impending DOE test procedure changes impacting these products. Clarifying its earlier comments, AHAM explained that manufacturers only consider a model ''kitable'' or ''icemaker ready'' if it leaves the factory without the icemaker. In addition, once the model leaves the manufacturer's control, distributors, retailers, or other entities may add an icemaker, which, in some cases, might be made by a third party. According to AHAM, manufacturers assign ''kitable'' models with one model number.

AHAM explained that the new 2014 refrigerator-freezer DOE test procedure will account for icemaker energy via a uniform ''adder'' of 84 kWh per year for all models with icemakers.[46] According to AHAM, DOE is considering changes to the test procedure to include specific measurements for icemaker energy use, an effort which may lead to further changes to the standards in a few years.[47]

Pending further modifications to the DOE test procedure, AHAM asked the Commission to provide labeling requirements to address the icemaker energy of these products. In particular, AHAM recommended that the Commission require a single label on ''kitable'' models disclosing the product's energy use without the icemaker. AHAM reasoned that, because such models do not include icemakers when they leave the factory, and may never receive one, the inclusion of icemaker energy would be inaccurate in many cases. To address the possibility that these units may later receive an icemaker, AHAM also proposed the following label statement: ''With an icemaker, estimated yearly electricity use is estimated to increase by 84 kWh/year, which adds $9 to the estimated yearly operating cost.'' Such an approach, in AHAM's view, will provide an easily applied and enforceable bright line rule. It also provides consumers with clear and accurate information about the refrigerator, whether it eventually includes an icemaker, or not.

Discussion: The Commission will consider ways to address icemaker energy use after DOE provides additional guidance on this issue or changes its testing rules. As indicated in an attachment to its comments, AHAM has requested additional guidance from DOE on its testing and certification requirements for ''kitable'' models in anticipation of the new testing rules scheduled for 2014. Although it may be possible for the Commission to impose labeling requirements before such guidance is issued, it is reluctant to do so, given the evolving understanding of these issues by AHAM, DOE, and the FTC. The Commission will continue to monitor guidance from DOE and, if necessary, address this issue either through rulemaking or staff guidance.[48]

At this time, the Commission agrees with AHAM that a generic label statement disclosing icemaker energy costs for ''kitable'' models may be appropriate. However, the Commission

[43] 16 CFR 305.5 (FTC testing rules); 10 CFR Part 430, Subpart B, Appendix A (DOE refrigerator tests).

[44] AHAM comments (May 16, 2012, and October 31, 2012) at *http://www.ftc.gov/os/comments/energylabelamend/00013-83038.pdf.*

[45] 77 FR 3559, 3569 (DOE notice on refrigerator testing requirements effective Sept. 15, 2014).

[46] The 2014 testing rules, according to AHAM, also require manufacturers to certify icemaker-ready refrigerator-freezers as two separate models (*i.e.,* with an icemaker and without an icemaker) because a consumer may purchase either version. *See* 76 FR 57516.

[47] AHAM predicted that these future DOE test and standards changes will provide an opportunity for FTC to return to the current EnergyGuide label design for these products.

[48] If DOE does not issue additional information on this issue in the near future, the Commission understands that some manufacturers may need guidance to label some models manufactured as early as January 2014.

does not necessarily agree that the label's primary disclosure (i.e., estimated yearly energy cost) should exclude icemaker energy, as AHAM recommends. This exclusion could underestimate energy cost for many consumers, particularly if many units will eventually include an icemaker. Therefore, absent data demonstrating that most units never include an icemaker, the better approach arguably may be to include icemaker energy in the primary disclosure and explain elsewhere on the label that an icemaker-free unit will reduce the unit's energy cost.

3. Clothes Washer Capacity

Background: Last year, the Commission proposed to require specific capacity information in cubic feet on EnergyGuide labels for clothes washers.[49] AHAM opposed the proposal, citing potential burdens to manufacturers in specifying capacity for each individual model. In the NPRM, the Commission sought additional comments, but also noted that DOE data for clothes washers suggests that the proposed change would only require new labels for a small fraction of models.[50]

Current EnergyGuide labels indicate whether the model is ''standard'' or ''compact,'' but do not specify volume (*e.g.,* 3.5 cubic feet). In the current market, most models fall into the broad ''standard'' size class (*i.e.,* models with tub capacities greater than 1.6 cubic feet), but actual capacity varies significantly. Thus, the general capacity disclosure provides little assistance to consumers in distinguishing washer size. A specific capacity disclosure should help consumers make product comparisons, and complement recent DOE and industry efforts to ensure uniformity in capacity disclosures.[51]

Comments: In response to the NPRM, AHAM continued to oppose the inclusion of specific capacity information on EnergyGuide labels for clothes washer labels, including those subject to the proposed conditional exemption.[52] AHAM argued that the Commission has failed to point to any data showing that consumers find existing capacity information insufficient. It also noted that capacity information is available from other sources.[53] Accordingly, AHAM argued that the Commission should not add this new requirement.

Other commenters disagreed. One industry member, Alliance Laundry Systems, supported the inclusion of specific capacity information explaining the disclosure is consistent with DOE requirements, and avoids possible confusion by retailers or consumers.[54] Similarly, the Joint Commenters continued to support the FTC's proposal to require specific capacity rather than just ''standard'' or ''compact,'' noting that capacity may be helpful to consumers comparing the operating costs of different models because capacity is directly proportional to estimated annual operating costs.[55]

Discussion: The final rule requires the inclusion of capacity on clothes washer labels. In response to AHAM's comment, the final amendments use the term ''tub volume'' in addition to ''capacity.'' [56] This disclosure must appear on units labeled under the conditional exemption in 2014 and on all clothes washer labels for units manufactured on or after March 7, 2015. Specific capacity (*i.e.,* volume) information, which also appears on EnergyGuide labels for several other product types, will allow consumers to easily to compare the size and energy cost of competing models. Industry members have used different methods for capacity disclosures in the past.[57] A consistent disclosure based on a consistent DOE-mandated procedure will help avoid such problems in the future and thus will benefit consumers. In addition, because manufacturers already generate volume information from the DOE test procedure, the disclosure should impose little burden when manufacturers update the clothes washer labels. Accordingly, these considerations provide a reasonable basis to conclude that capacity information on the clothes washer labels is appropriate for the EnergyGuide label.

IV. Paperwork Reduction Act

The current Rule contains recordkeeping, disclosure, testing, and reporting requirements that constitute information collection requirements as defined by 5 CFR 1320.3(c), the definitional provision within the Office of Management and Budget (OMB) regulations that implement the Paperwork Reduction Act (PRA). OMB has approved the Rule's existing information collection requirements through February 29, 2016 (OMB Control No. 3084 0069). The amendments do not change the substance or frequency of the recordkeeping, disclosure, or reporting requirements and, therefore, do not require further OMB clearance.

V. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Energy Labeling Rule. As explained in detail elsewhere in this document, the proposed exemption and amendments do not significantly change the substance or frequency of the recordkeeping, disclosure, or reporting requirements. Thus, the amendments will not have a ''significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

Rule Language

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

[49] 77 FR 15302 (proposing to amend 16 CFR 305.7(g) to include clothes washer capacity on the label).

[50] *See* DOE clothes washer data at *https://www.regulations.doe.gov/ccms/.*

[51] *See* 75 FR 57556, 57575 (Sept. 21, 2010) (DOE clothes washer notice) and *http://www.aham.org/ht/a/GetDocumentAction/i/51727.*

[52] AHAM objected to the original proposal, arguing that it will greatly increase the number of labels manufacturers have to produce because some manufacturers use a single label for multiple, differently-sized models that have the same energy use rating. In the NPRM, the Commission noted that, based on existing DOE data for clothes washer models, the number of these models would likely be small. *See* 78 FR 1784–85.

[53] AHAM noted that, although FTC and DOE regulations used the term ''capacity,'' ''volume'' provides a better description of the washer drum's cubic foot measurement. The term ''capacity,'' as AHAM typically uses it, refers to the quantity of clothes that can be effectively washed and rinsed in a single load.

[54] Alliance also noted that its own cost for including this information on labels is ''minimal to non-existent.'' However, Alliance noted that some manufacturers may need to create unique labels for models that had been grouped together in the past for labeling purposes.

[55] In earlier comments, PG&E supported the specific capacity disclosure proposed in the regulatory review notice, suggesting it might ''prompt consumers to think more critically about the utility of different sized washers, and also [their] associated energy and water requirements.'' Pacific Gas and Electric Company (PG&E) comments (May 15, 2012) (#00009) at *http://www.ftc.gov/os/comments/energylabelamend/00009-82974.pdf.*

[56] The final label also clarifies that the terms ''standard'' and ''compact'' refer to the product's capacity class, not its specific capacity (*e.g.,* 2.8 cubic feet).

[57] *See* 75 FR 15298, 15302 (Mar. 15, 2012) (discussing industry efforts to harmonize capacity disclosures).

For the reasons set out above, the Commission amends 16 CFR Part 305 as follows:

PART 305—ENERGY AND WATER USE LABELING FOR CONSUMER PRODUCTS UNDER THE ENERGY POLICY AND CONSERVATION ACT (ENERGY LABELING RULE)

■ 1. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

■ 2. In § 305.7, revise paragraph (g) to read as follows:

§ 305.7 Determinations of capacity.

* * * * *

(g) *Clothes washers.* The capacity shall be the tub capacity as determined according to Department of Energy test procedures in 10 CFR Part 430, subpart B, in the terms ''standard'' or ''compact'' as defined in appendix J1 to 10 CFR Part 430. For models manufactured after March 7, 2015, the capacity shall be the tub capacity as determined according to Department of Energy test procedures in 10 CFR Part 430, subpart B, expressed in terms of ''Capacity (tub volume)'' in cubic feet, rounded to the nearest one-tenth of a cubic foot, and the capacity class designations ''standard'' or ''compact.''

* * * * *

■ 3. In § 305.10, revise paragraphs (a) and (b) to read as follows:

§ 305.10 Ranges of comparability on the required labels.

(a) *Range of estimated annual energy costs or energy efficiency ratings.* The range of estimated annual operating costs or energy efficiency ratings for each covered product (except fluorescent lamp ballasts, metal halide lamp fixtures, lamps, showerheads, faucets, water closets, urinals, ceiling fans, or televisions) shall be taken from the appropriate appendix to this part in effect at the time the labels are affixed to the product. The Commission shall publish revised ranges in the **Federal Register** in 2017. When the ranges are revised, all information disseminated after 90 days following the publication of the revision shall conform to the revised ranges. Products that have been labeled prior to the effective date of a modification under this section need not be relabeled.

(b) *Representative average unit energy cost.* The Representative Average Unit Energy Cost figures to be used on labels as required by § 305.11 are listed in appendix K to this part, except the electricity and gas cost to be used on labels for refrigerators, refrigerator-freezers, and freezers distributed before September 15, 2014, and labels for clothes washers distributed before March 7, 2015, shall be 10.65 cents per kWh and 1.218 dollars per therm. The Commission shall publish revised Representative Average Unit Energy Cost figures in the **Federal Register** in 2017. When the cost figures are revised, all information disseminated after 90 days following the publication of the revision shall conform to the new cost figure.

* * * * *

■ 4. In § 305.11, revise paragraphs (f)(5) through (9) and redesignate paragraphs (f)(11) and (12) as paragraphs (f)(10) and (11) respectively.

The revisions read as follows:

§ 305.11 Labeling for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners, and pool heaters.

* * * * *

(f) * * *

(5) Unless otherwise indicated in this paragraph, estimated annual operating costs for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, room air conditioners, and water heaters are as determined in accordance with §§ 305.5 and 305.10 of this part. Thermal efficiencies for pool heaters are as determined in accordance with § 305.5. Labels for clothes washers and dishwashers must disclose estimated annual operating cost for both electricity and natural gas as illustrated in the sample labels in appendix L. For refrigerators, refrigerator freezers, and freezers manufactured before September 15, 2014, and clothes washers manufactured before March 7, 2015, annual operating costs shall be determined using the energy cost figures of 10.65 cents for electricity and $1.218 for natural gas.

(6) Unless otherwise indicated in this paragraph, ranges of comparability for estimated annual operating costs or thermal efficiencies, as applicable, are found in the appropriate appendices accompanying this part. For refrigerators, refrigerator-freezers, and freezers manufactured on or after September 15, 2014, and clothes washers manufactured on or after March 7, 2015, the range information shall match the text and graphics in sample labels 1A and 2A of Appendix L.

(7) Placement of the labeled product on the scale shall be proportionate to the lowest and highest estimated annual operating costs or thermal efficiencies, as applicable.

(8) Labels for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, and water heaters must contain the model's estimated annual energy consumption as determined in accordance with § 305.5 and as indicated on the sample labels in appendix L. Labels for room air conditioners and pool heaters must contain the model's energy efficiency rating or thermal efficiency, as applicable, as determined in accordance with § 305.5 and as indicated on the sample labels in appendix L.

(9) Labels must contain a statement as illustrated in the prototype labels in appendix L and specified as follows by product type:

(i) For refrigerators, refrigerator-freezers, and freezers, the statement will read as follows (fill in the blanks with the appropriate year and energy cost figures):

Your costs will depend on your utility rates and use.

[Insert statement required by § 305.11(f)(9)(iii)].

Estimated energy cost is based on a national average electricity cost of __ cents per kWh.

For more information, visit *www.ftc.gov/energy.*

(ii) For refrigerators, refrigerator-freezers, and freezers manufactured on or after September 15, 2014 and clothes washers manufactured after March 7, 2015, the label shall contain the text and graphics illustrated in sample labels 1A and 2A of Appendix L, including the statement:

Compare ONLY to other labels with yellow numbers.

Labels with yellow numbers are based on the same test procedures.

(iii) For refrigerators, refrigerator-freezers, and freezers, the following sentence shall be included as part of the statement required by § 305.11(f)(9)(i):

(A) For models covered under appendix A1, the sentence shall read:

Cost range based only on models of similar capacity with automatic defrost.

(B) For models covered under appendix A2, the sentence shall read:

Cost range based only on models of similar capacity with manual defrost.

(C) For models covered under appendix A3, the sentence shall read:

Cost range based only on models of similar capacity with partial automatic defrost.

(D) For models covered under appendix A4, the sentence shall read:

Cost range based only on models of similar capacity with automatic defrost, top-mounted freezer, and without through-the-door ice.

(E) For models covered under appendix A5, the sentence shall read:

Cost range based only on models of similar capacity with automatic defrost, side-mounted freezer, and without through-the-door ice.

(F) For models covered under appendix A6, the sentence shall read:

Cost range based only on models of similar capacity with automatic defrost, bottom-mounted freezer, and without through-the-door ice.

(G) For models covered under appendix A7, the sentence shall read:

Cost range based only on models of similar capacity with automatic defrost, top-mounted freezer, and through-the-door ice.

(H) For models covered under appendix A8, the sentence shall read:

Cost range based only on models of similar capacity with automatic defrost, side-mounted freezer, and through-the-door ice.

(I) For models covered under appendix B1, the sentence shall read:

Cost range based only on upright freezer models of similar capacity with manual defrost.

(J) For models covered under appendix B2, the sentence shall read:

Cost range based only on upright freezer models of similar capacity with automatic defrost.

(K) For models covered under appendix B3, the sentence shall read:

Cost range based only on chest and other freezer models of similar capacity.

(iv) For room air conditioners covered under appendix E, the statement will read as follows (fill in the blanks with the appropriate model type, year, energy type, and energy cost figure):

Your costs will depend on your utility rates and use.

Cost range based only on models [of similar capacity without reverse cycle and with louvered sides; of similar capacity without reverse cycle and without louvered sides; with reverse cycle and with louvered sides; or with reverse cycle and without louvered sides].

Estimated annual energy cost is based on a national average electricity cost of __ cents per kWh and a seasonal use of 8 hours use per day over a 3 month period.

For more information, visit *www.ftc.gov/energy.*

(v) For water heaters covered by Appendices D1, D2, and D3, the statement will read as follows (fill in the blanks with the appropriate fuel type, year, and energy cost figures):

Your costs will depend on your utility rates and use.

Cost range based only on models of similar capacity fueled by [natural gas, oil, propane, or electricity].

Estimated energy cost is based on a national average [electricity, natural gas, propane, or oil] cost of [__ cents per kWh or $__ per therm or gallon].

For more information, visit *www.ftc.gov/energy.*

(vi) For instantaneous water heaters (appendix D4) and heat pump water heaters (appendix D5), the statement will read as follows (fill in the blanks with the appropriate model type, the operating cost, the year, and the energy cost figures):

Your costs will depend on your utility rates and use.

Cost range based only on [instantaneous gas water heater or heat pump water heater] models of similar capacity. Estimated energy cost is based on a national average [electricity, natural gas, or propane] cost of [__ cents per kWh or $__ per therm or gallon].

For more information, visit *www.ftc.gov/energy.*

(vii) For dishwashers covered by appendices C1 and C2, the statement will read as follows (fill in the blanks with the appropriate appliance type, the energy cost, the number of loads per week, the year, and the energy cost figures):

Your costs will depend on your utility rates and use.

Cost range based only on [compact/standard] capacity models.

Estimated energy cost is based on 4 washloads a week, and a national average electricity cost of __ cents per kWh and natural gas cost of $__ per therm.

For more information, visit *www.ftc.gov/energy.*

(viii) For clothes washers manufactured before March 7, 2015 covered by appendices F1 and F2, the statement will read as follows (fill in the blanks with the appropriate appliance type, the energy cost, the number of loads per week, the year, and the energy cost figures):

Your costs will depend on your utility rates and use.

Cost range based only on [compact/standard] capacity models.

Estimated energy cost is based on 8 washloads a week and a national average electricity cost of ____ cents per kWh and natural gas cost of $____ per therm.

For more information, visit *www.ftc.gov/energy.*

(ix) For clothes washers manufactured after March 7, 2015, the label shall contain the text and graphics illustrated in sample labels 1A and 2A of Appendix L, including the statement:

Compare ONLY to other labels with yellow numbers.

Labels with yellow numbers are based on the same test procedures.

(x) For pool heaters covered under appendices J1 and J2, the statement will read as follows:

Efficiency range based only on models fueled by [natural gas or oil].

For more information, visit *www.ftc.gov/energy.*

* * * * *

■ 5. In § 305.12, revise paragraphs (i)(11)(iii), (i)(12)(iii), and (i)(13) to read as follows:

§ 305.12 Labeling for central air conditioners, heat pumps, and furnaces.

* * * * *

(i) * * *

(11) * * *

(iii) For single-package air conditioners, a statement that reads:

Energy Efficiency Ratio (EER): This model's EER is [__].

(12) * * *

(iii) For split-system air conditioner systems, a statement that reads:

Energy Efficiency Ratio (EER): could range from [__] to [__], depending on the coil installed with this unit.

(13) For any single-package air conditioner with an EER below 11.0, the label must contain the following regional standards information consistent with sample label 7B in appendix L to this part:

(i) A statement that reads:

Notice Federal law allows this unit to be installed only in: AK, AL, AR, CO, CT, DC, DE, FL, GA, HI, ID, IL, IA, IN, KS, KY, LA, MA, ME, MD, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NY, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WI, WY and U.S. territories.

Federal law prohibits installation of this unit in other states.

(ii) A map and accompanying text as illustrated in the sample label in appendix L.

(iii) A statement that reads:

Energy Efficiency Ratio (EER): This model's EER is [__].

* * * * *

■ 6. In § 305.17, revise paragraphs (a), (b), (f)(6), and (f)(8)(ii) to read as follows:

§ 305.17 Television labeling.

(a) *Layout.* All energy labels for televisions shall use one of three shapes: a vertical rectangle, a horizontal rectangle, and a triangle as detailed in Prototype Labels in appendix L. All label size, positioning, spacing, type sizes, positioning of headline, copy, and line widths must be consistent with the prototype and sample labels in appendix L. The minimum label size for the vertical rectangle label is 1.5″×5.5″. The minimum size for the horizontal rectangle label is 1.5″×5.23″. The minimum size for the triangle label is 4.5″×4.5″ (right angle sides).

(b) *Type style and setting.* The Arial series typeface or equivalent shall be

used exclusively on the label. Prototype Labels in appendix L contain specific directions for type style and setting and indicate the specific sizes, leading, faces, positioning, and spacing to be used. No hyphenations should be used in setting headline or copy text.

* * * * *

(f) * * *

(6) Placement of the labeled product on the scale proportionate to the lowest and highest estimated annual energy costs as illustrated in Prototype and Sample Labels in appendix L. When the estimated annual energy cost of a given television model falls outside the limits of the current range for that product, the manufacturer shall place the product at the end of the range closest to the model's energy cost.

* * * * *

(8) * * *

(ii) The manufacturer may include the ENERGY STAR logo on the label as illustrated in Sample Labels in appendix L. The logo must be 0.375″ wide. Only manufacturers that have signed a Memorandum of Understanding with the Department of Energy or the Environmental Protection Agency covering the televisions to be labeled may add the ENERGY STAR logo to those labels.

* * * * *

§ 305.20 [Amended]

■ 7. Amend § 305.20 as follows:

A. In paragraph (a)(5), remove the phrase ''For more information, visit *www.ftc.gov/energy.*'' and add in its place ''For more information, visit *productinfo.energy.gov.*''

B. In paragraph (g)(1), remove the phrase ''Sample Icon 13'' and add in its place ''the sample icon''.

■ 8. Appendix C1 to Part 305 is revised to read as follows:

Appendix C1 to Part 305—Compact Dishwashers

Range Information

''Compact'' includes countertop dishwasher models with a capacity of fewer than eight (8) place settings. Place settings shall be in accordance with appendix C to 10 CFR part 430, subpart B. Load patterns shall conform to the operating normal for the model being tested.

Capacity	Range of estimated annual energy costs (dollars/year)	
	Low	High
Compact	$18	$27

■ 9. Appendix C2 to Part 305 is revised to read as follows:

Appendix C2 to Part 305—Standard Dishwashers

Range Information

''Standard'' includes dishwasher models with a capacity of eight (8) or more place settings. Place settings shall be in accordance with appendix C to 10 CFR part 430, subpart B. Load patterns shall conform to the operating normal for the model being tested.

Capacity	Range of estimated annual energy costs (dollars/year)	
	Low	High
Standard	$21	$41

■ 10. Appendices D1 through D5 to Part 305 are revised to read as follows:

Appendix D1 to Part 305—Water Heaters—Gas

RANGE INFORMATION

Capacity	Range of estimated annual energy costs (dollars/year)			
First hour rating	Natural gas ($/year)		Propane ($/year)	
	Low	High	Low	High
Less than 21	*	*	*	*
21 to 24	*	*	*	*
25 to 29	*	*	*	*
30 to 34	*	*	*	*
35 to 40	*	*	*	*
41 to 47	*	*	*	*
48 to 55	$253	$271	$628	$673
56 to 64	257	271	637	670
65 to 74	228	275	565	696
75 to 86	228	275	565	682
87 to 99	228	275	565	746
100 to 114	228	302	565	746
115 to 131	228	332	590	824
Over 131	235	332	582	824

* No data submitted.

Appendix D2 to Part 305—Water Heaters—Electric

RANGE INFORMATION

Capacity: First hour rating	Range of estimated annual energy (dollars/year): Low	High
Less than 21	$567	$567
21 to 24	*	*
25 to 29	567	567
30 to 34	567	573
35 to 40	560	573
41 to 47	554	599
48 to 55	554	599
56 to 64	554	586
65 to 74	554	599
75 to 86	554	613
87 to 99	567	620
100 to 114	579	651
115 to 131	613	635
Over 131	*	*

RANGE INFORMATION—Continued

* No data submitted.

Appendix D3 to Part 305—Water Heaters—Oil

RANGE INFORMATION

Capacity: First hour rating	Range of estimated annual energy costs (dollars/year): Low	High
Less than 65	*	*
65 to 74	*	*
75 to 86	*	*
87 to 99	*	*
100 to 114	$684	$760
115 to 131	760	804
Over 131	604	746

* No data submitted.

Appendix D4 to Part 305—Water Heaters—Instantaneous—Gas

RANGE INFORMATION

Capacity: Capacity (maximum flow rate); gallons per minute (gpm)	Range of estimated annual energy costs (dollars/year): Natural Gas ($/year): Low	Natural Gas ($/year): High	Propane ($/year): Low	Propane ($/year): High
Under 1.00	*	*	*	*
1.00 to 2.00	*	*	*	*
2.01 to 3.00	$192	$237	$465	$574
Over 3.00	170	204	408	494

* No data submitted.

Appendix D5 to Part 305—Water Heaters—Heat Pump

RANGE INFORMATION

Capacity: First hour rating	Range of estimated annual energy costs (dollars/year): Low	High
Less than 21	*	*
21 to 24	*	*
25 to 29	*	*
30 to 34	*	*
35 to 40	*	*
41 to 47	$268	$268
48 to 55	*	*
56 to 64	224	275
65 to 74	220	264
75 to 86	226	226
87 to 99	*	*
100 to 114	*	*
115 to 131	*	*
Over 131	*	*

* No data submitted.

■ 11. Appendix E to Part 305 is revised to read as follows:

Appendix E to Part 305—Room Air Conditioners

RANGE INFORMATION

Manufacturer's rated cooling capacity in Btu's/hr	Range of estimated annual energy costs (dollars/year): Low	High
Without Reverse Cycle and with Louvered Sides:		
Less than 6,000 Btu	$42	$48
6,000 to 7,999 Btu	50	72
8,000 to 13,999 Btu	66	115
14,000 to 19,999 Btu	117	195
20,000 and more Btu	169	382
Without Reverse Cycle and without Louvered Sides:		
Less than 6,000 Btu	*	*
6,000 to 7,999 Btu	56	72
8,000 to 13,999 Btu	73	138
14,000 to 19,999 Btu	140	166
20,000 and more Btu	*	*
With Reverse Cycle and with Louvered Sides	71	225
With Reverse Cycle, without Louvered Sides	89	126

RANGE INFORMATION—Continued

* No data submitted.

■ 12. Appendices J1 and J2 are revised to read as follows:

Appendix J1 to Part 305—Pool Heaters—Gas

RANGE INFORMATION

Manufacturer's rated heating capacity	Range of thermal efficiencies (percent)			
	Natural gas		Propane	
	Low	High	Low	High
All capacities	82.0	95.0	82.0	95.0

Appendix J2 to Part 305—Pool Heaters—Oil

RANGE INFORMATION

Manufacturer's rated heating capacity	Range of thermal efficiencies (percent)	
	Low	High
All capacities	*	*

* No data submitted.

■ 13. Appendix K to Part 305 is revised to read as follows:

Appendix K to Part 305—Representative Average Unit Energy Costs

This Table contains the representative unit energy costs that must be utilized to calculate estimated annual energy cost disclosures required under sections 305.11 and 305.20. This Table is based on information published by the U.S. Department of Energy in 2013. Unless otherwise indicated by the Commission, this table will be revised in 2017.

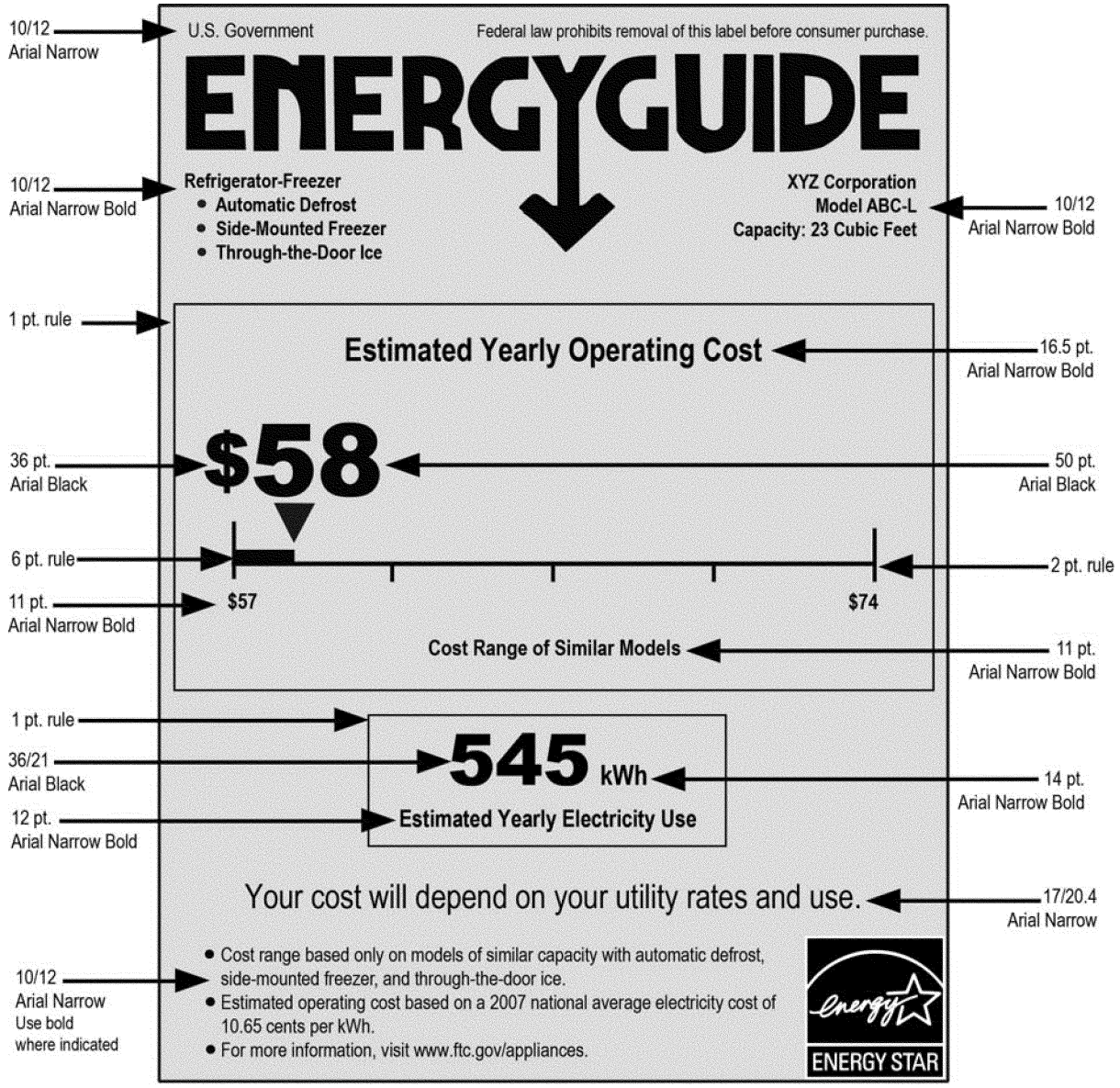
UNIT COSTS OF ENERGY FOR USE ON ENERGYGUIDE LABELS REQUIRED BY SECTION 305.11

Type of energy	In commonly used terms (used for EnergyGuide label)	As required by DOE test procedure	Dollars per million Btu [1]
Electricity	12.00¢/kWh [2, 3]	$.12/kWh	$35.46
Natural Gas	$1.09/therm [4]	0.0000109/Btu	10.87
	$11.12/MCF [5, 6].		
No. 2 heating oil	$3.80/gallon [7]	0.00002740/Btu	27.40
Propane	$2.41/gallon [8]	0.00002639/Btu	26.39
Kerosene	$4.21/gallon [9]	0.00003119/Btu	31.19

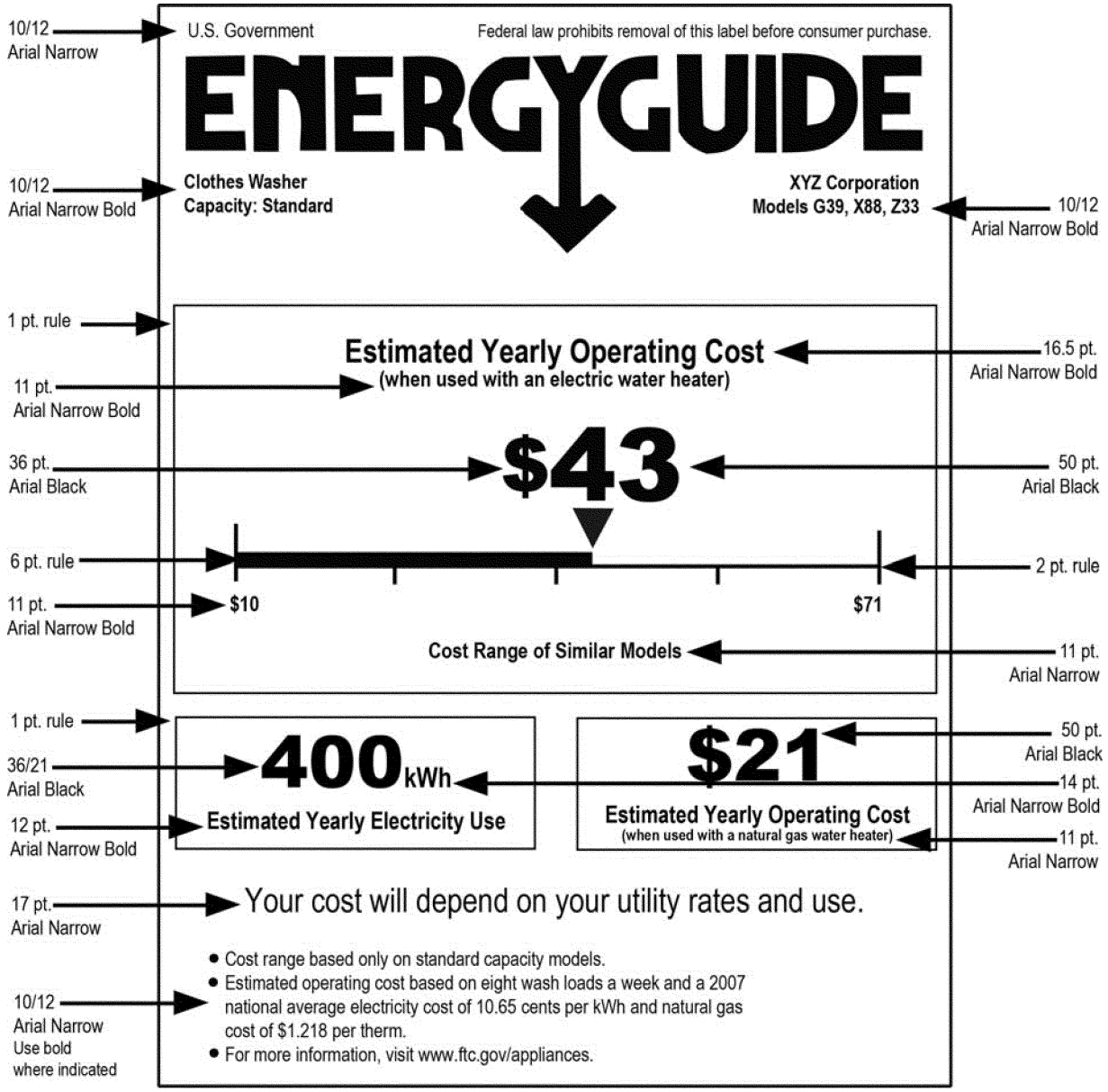
[1] Btu stands for British thermal unit.
[2] kWh stands for kiloWatt hour.
[3] 1 kWh = 3,412 Btu.
[4] 1 therm = 100,000 Btu. Natural gas prices include taxes.
[5] MCF stands for 1,000 cubic feet.
[6] For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,023 Btu.
[7] For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.
[8] For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,333 Btu.
[9] For the purposes of this table, 1 gallon of kerosene has an energy equivalence of 135,000 Btu.

■ 14. In Appendix L, revise Prototype Labels 1, 2, and 3, and revise all Sample Labels to read as follows:

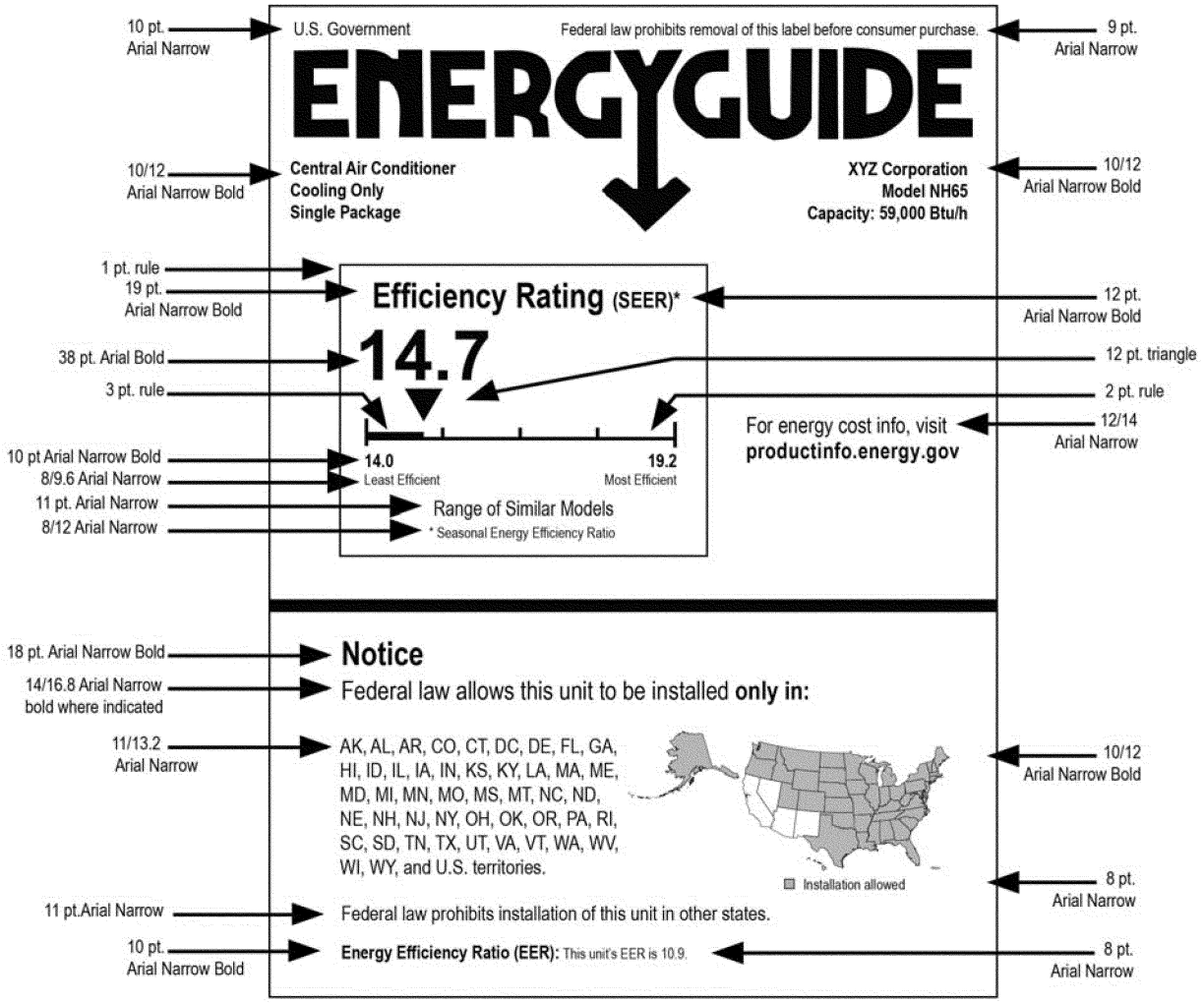
BILLING CODE 6750–01–P



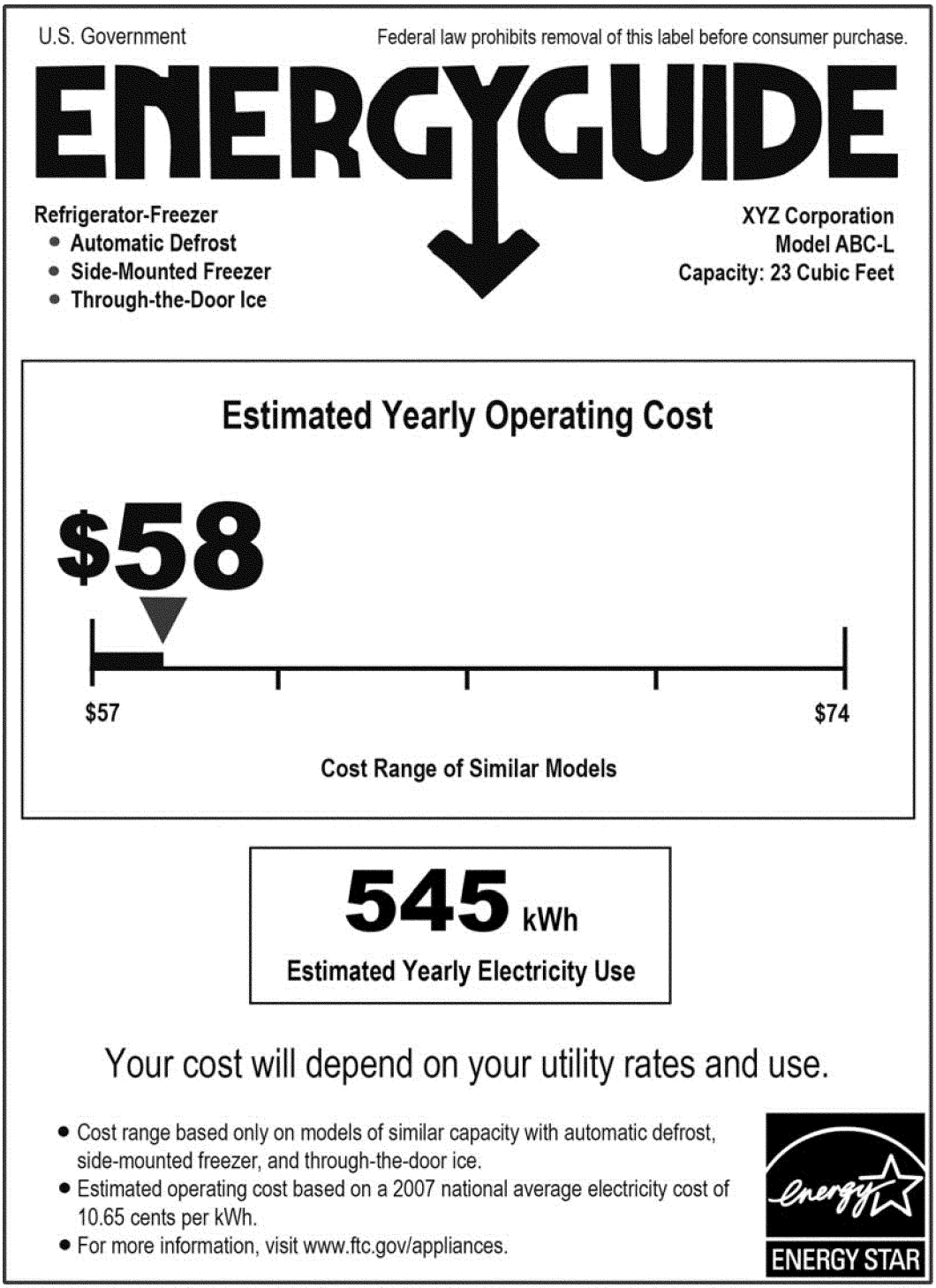
Prototype Label 1 – For Refrigerator-Freezers Manufactured before September 15, 2014



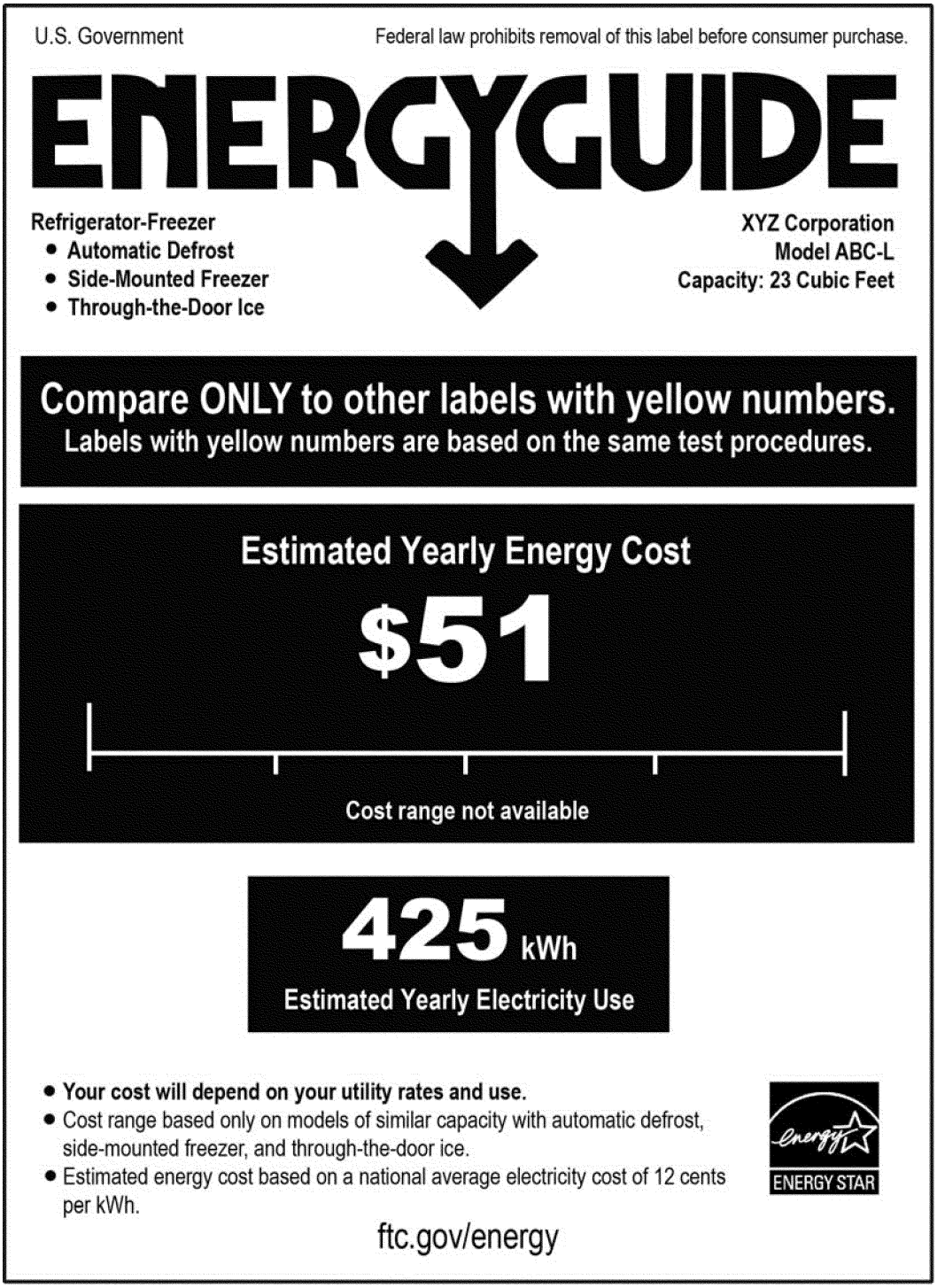
Prototype Label 2 – For Clothes Washers Manufactured before March 7, 2015



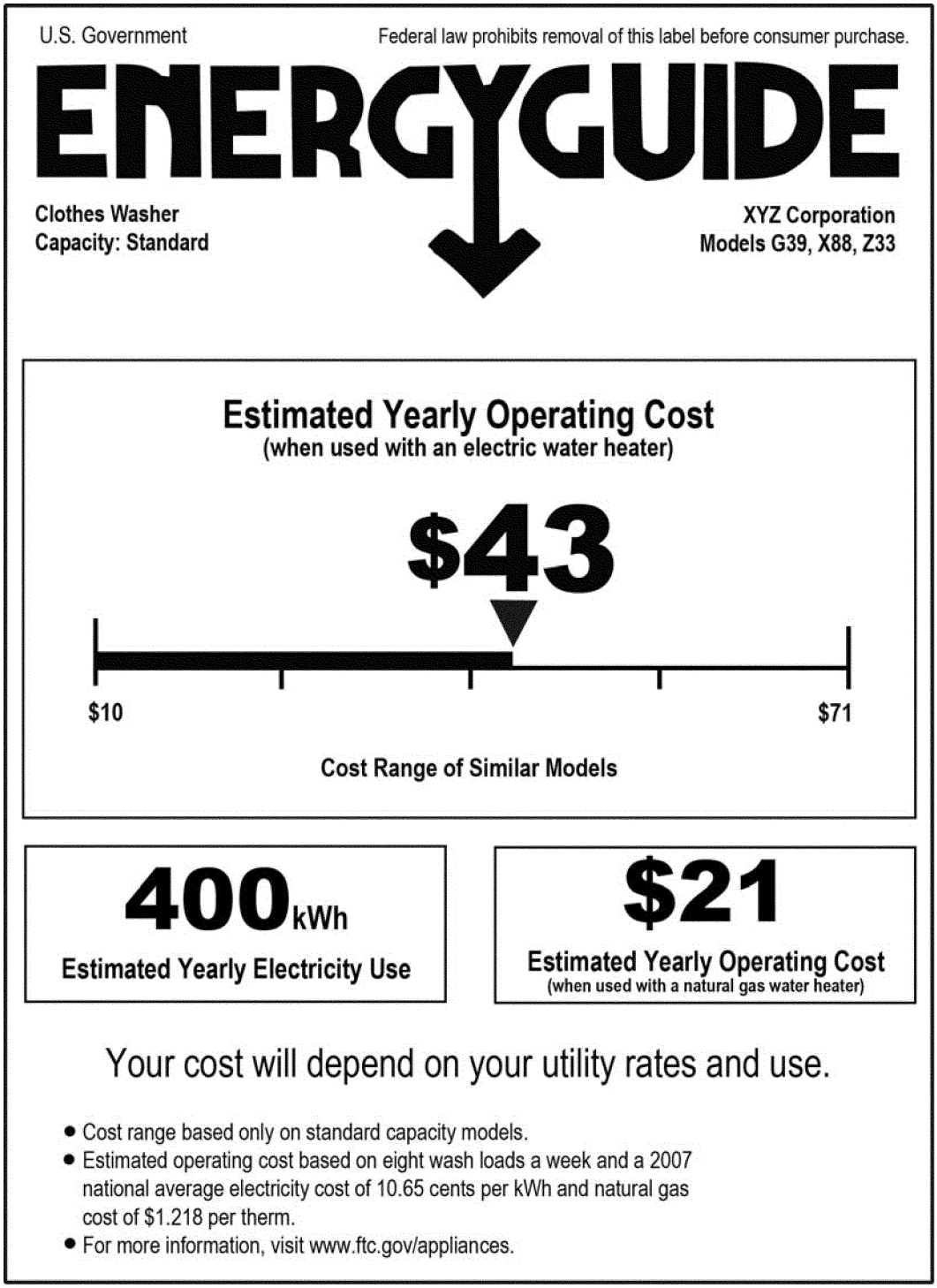
Prototype Label 3 - Single-Package Central Air Conditioner (models manufactured after the compliance date of DOE regional efficiency standards in 10 CFR part 430)



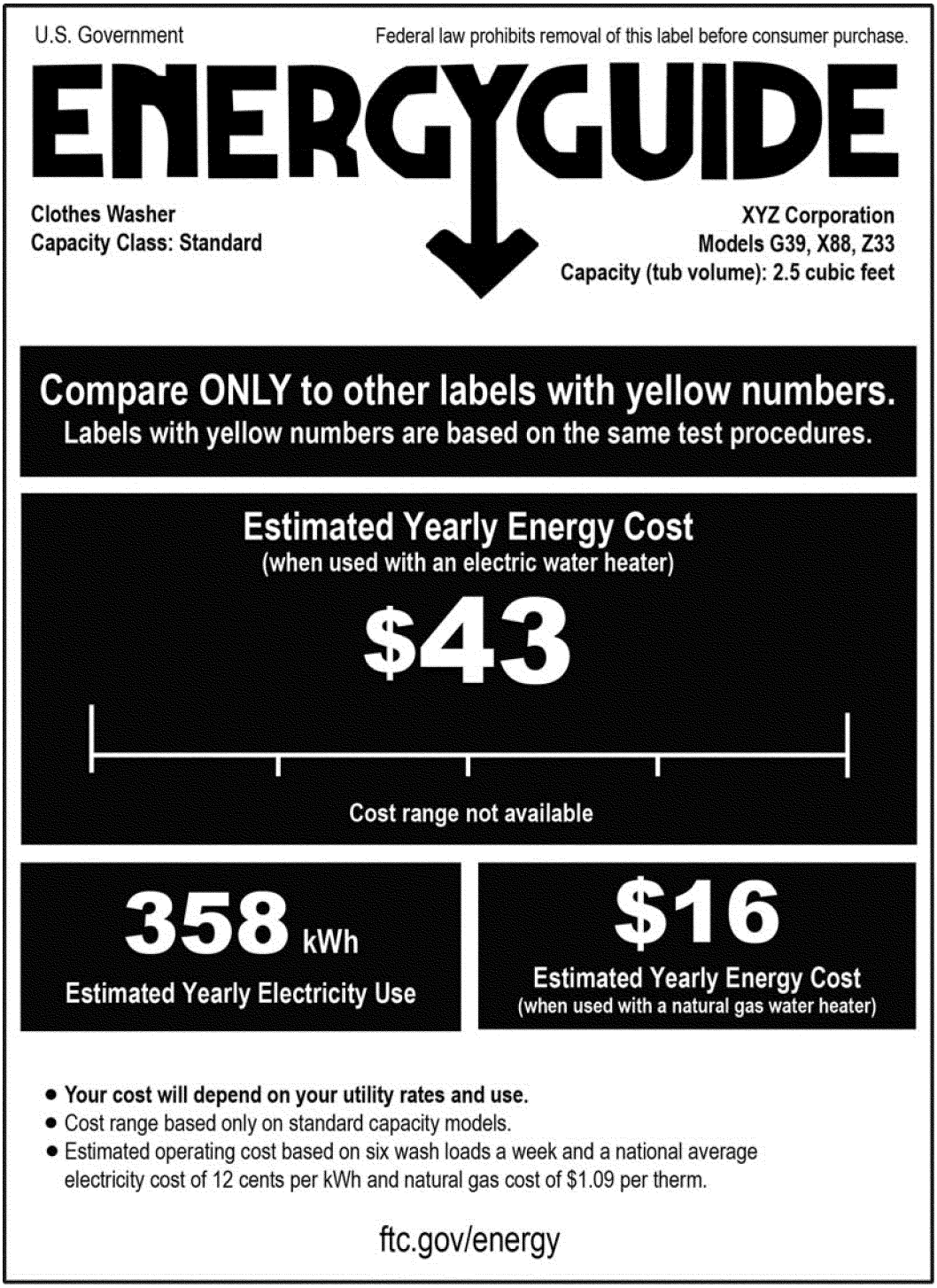
Sample Label 1 – For Refrigerator-Freezers Manufactured before September 15, 2014



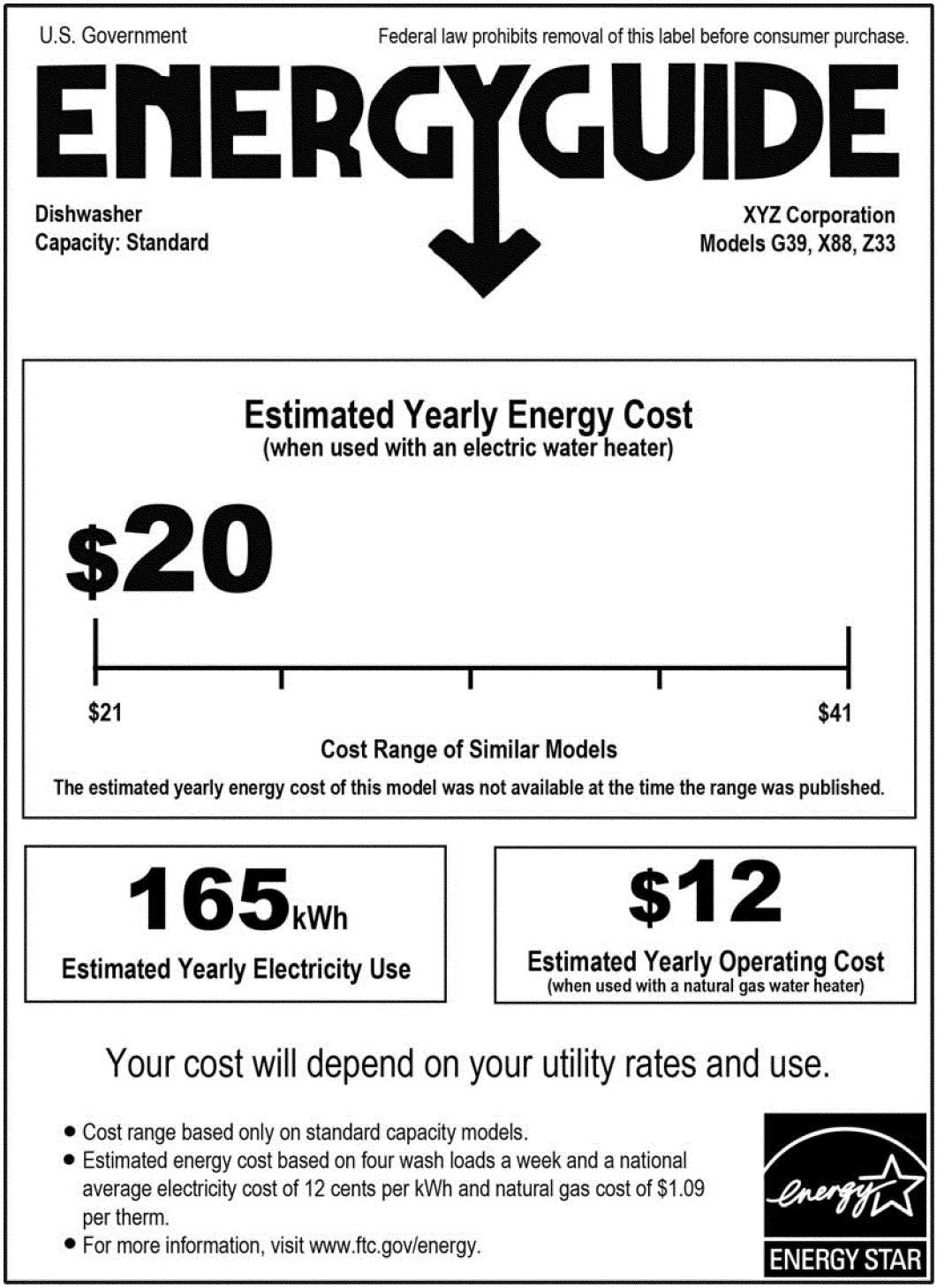
Sample Label 1A – For Refrigerator-Freezers Manufactured on or after September 15, 2014



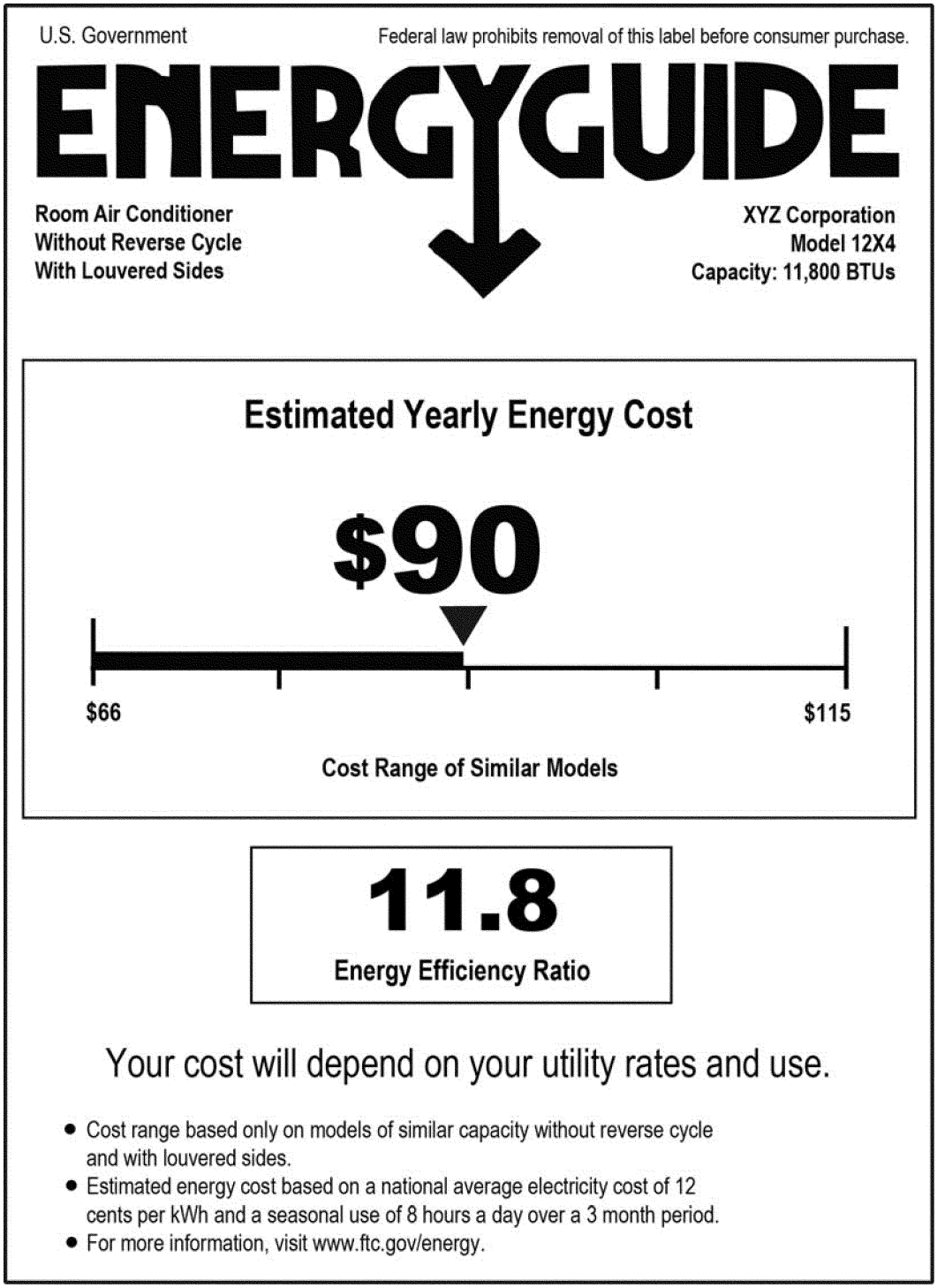
Sample Label 2 – For Clothes Washers Manufactured before March 7, 2015



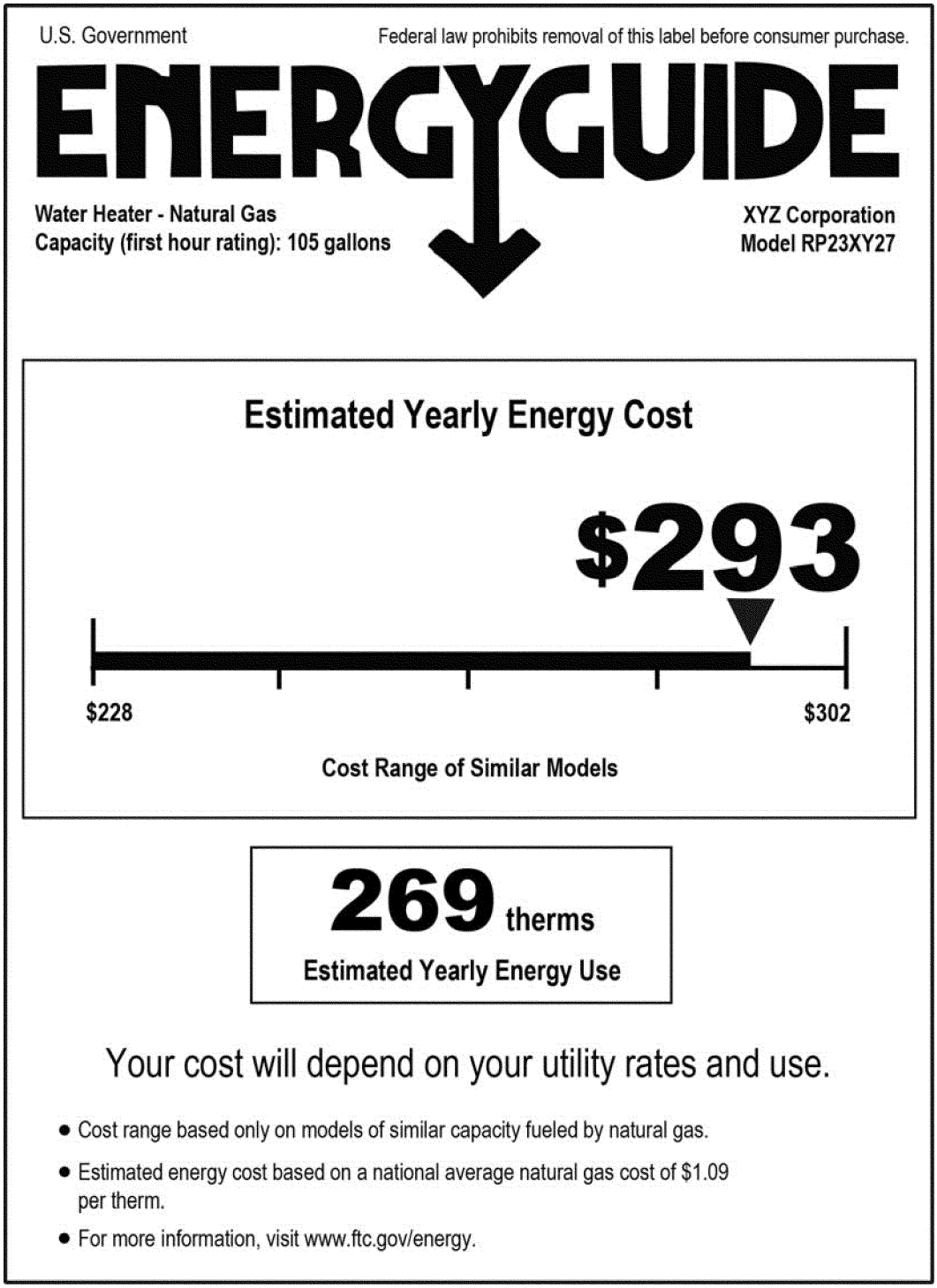
Sample Label 2A – For Clothes Washers Manufactured on or after March 7, 2015



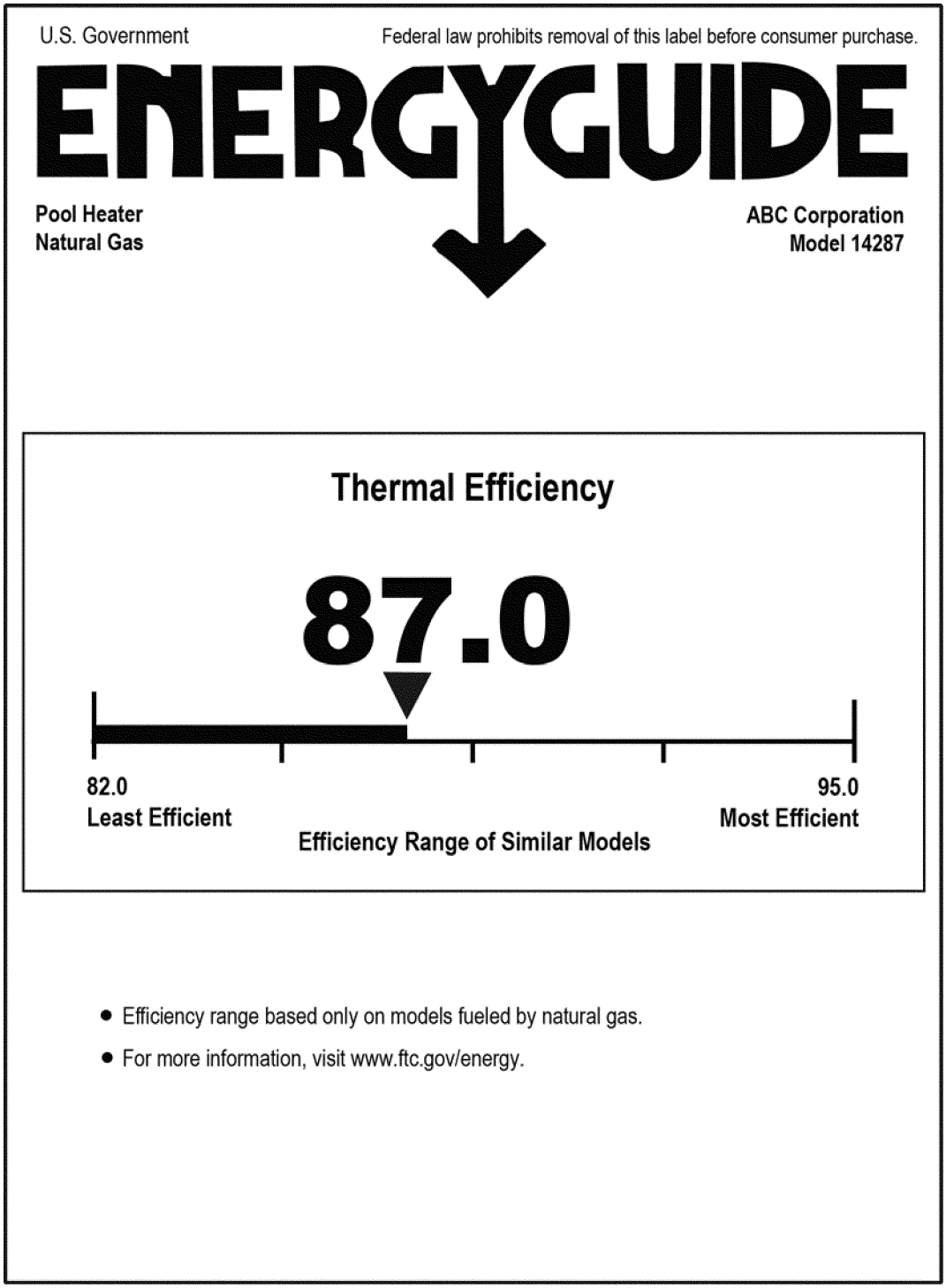
Sample Label 3 - Dishwasher



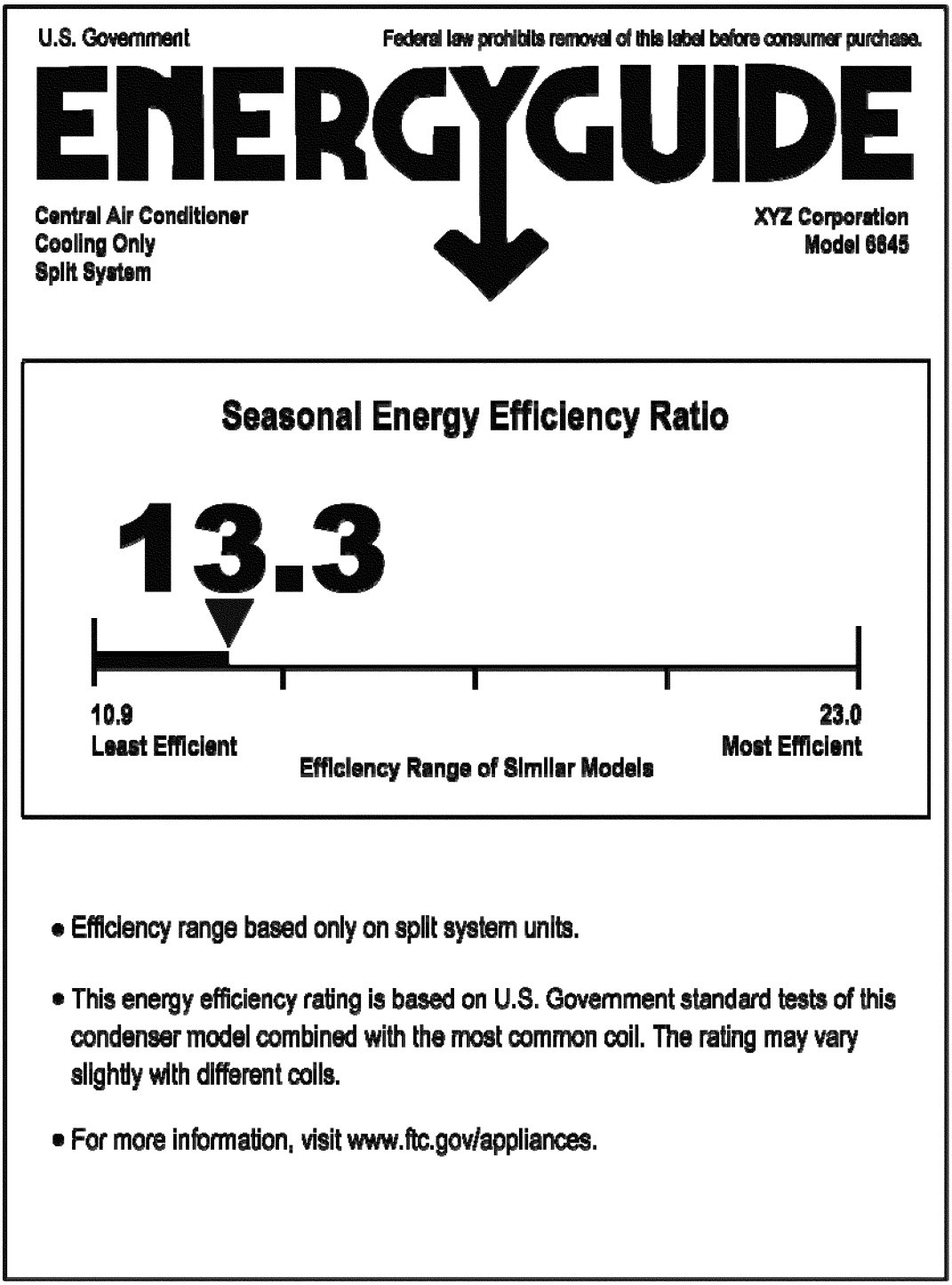
Sample Label 4 - Room Air Conditioner



Sample Label 5 - Water Heater



Sample Label 6 - Pool Heater



Sample Label 7 - Split-system Central Air Conditioner (models manufactured before the compliance date of DOE regional efficiency standards in 10 CFR part 430)

U.S. Government

Federal law prohibits removal of this label before consumer purchase.

ENERGYGUIDE

Central Air Conditioner
Cooling Only
Split System

XYZ Corporation
Model HC47
Capacity 57,000 Btu/h

Efficiency Rating (SEER)*

13.0-14.2

13.0 Least Efficient — **24.5** Most Efficient

Range of Similar Models

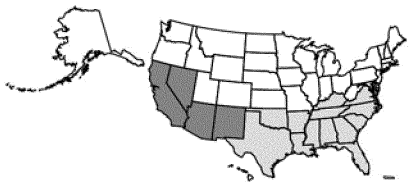
* Seasonal Energy Efficiency Ratio

This system's efficiency rating depends on the coil your contractor installs with this unit. Ask for details.

For energy cost info, visit **productinfo.energy.gov**

Notice

The installed system must meet minimum federal regional efficiency standards.
See **productinfo.energy.gov** for certified coil combinations.



North AK, CO, CT, ID, IL, IA, IN, KS, MA, ME, MI, MN, MO, MT, ND, NE, NH, NJ, NY, OH, OR, PA, RI, SD, UT, VT, WA, WV, WI, WY

Southeast AL, AR, DC, DE, FL, GA, HI, KY, LA, MD, MS, NC, OK, SC, TN, TX, VA, U.S. Territories

Southwest AZ, CA, NM, NV

Minimum Standards

	North	Southeast	Southwest
SEER	13	14	14
EER†			12.2
EER††			11.7

† Units with rated capacity of less than 45,000 btu/h
†† Units with rated capacity equal to or greater than 45,000 btu/h

Energy Efficiency Ratio (EER): could range from 11.4 to 12.5, depending on the coil installed with this unit

Sample Label 7A - Split-system Central Air Conditioner (models manufactured after the compliance date of DOE regional efficiency standards in 10 CFR part 430)

U.S. Government

Federal law prohibits removal of this label before consumer purchase.

ENERGYGUIDE

Central Air Conditioner
Cooling Only
Single Package

XYZ Corporation
Model NH65
Capacity: 59,000 Btu/h

Efficiency Rating (SEER)*

14.7

14.0 Least Efficient

19.2 Most Efficient

Range of Similar Models

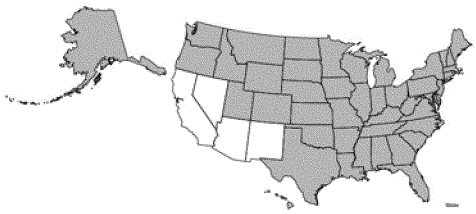
* Seasonal Energy Efficiency Ratio

For energy cost info, visit
productinfo.energy.gov

Notice

Federal law allows this unit to be installed **only in:**

AK, AL, AR, CO, CT, DC, DE, FL, GA, HI, ID, IL, IA, IN, KS, KY, LA, MA, ME, MD, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NY, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WI, WY, and U.S. territories.

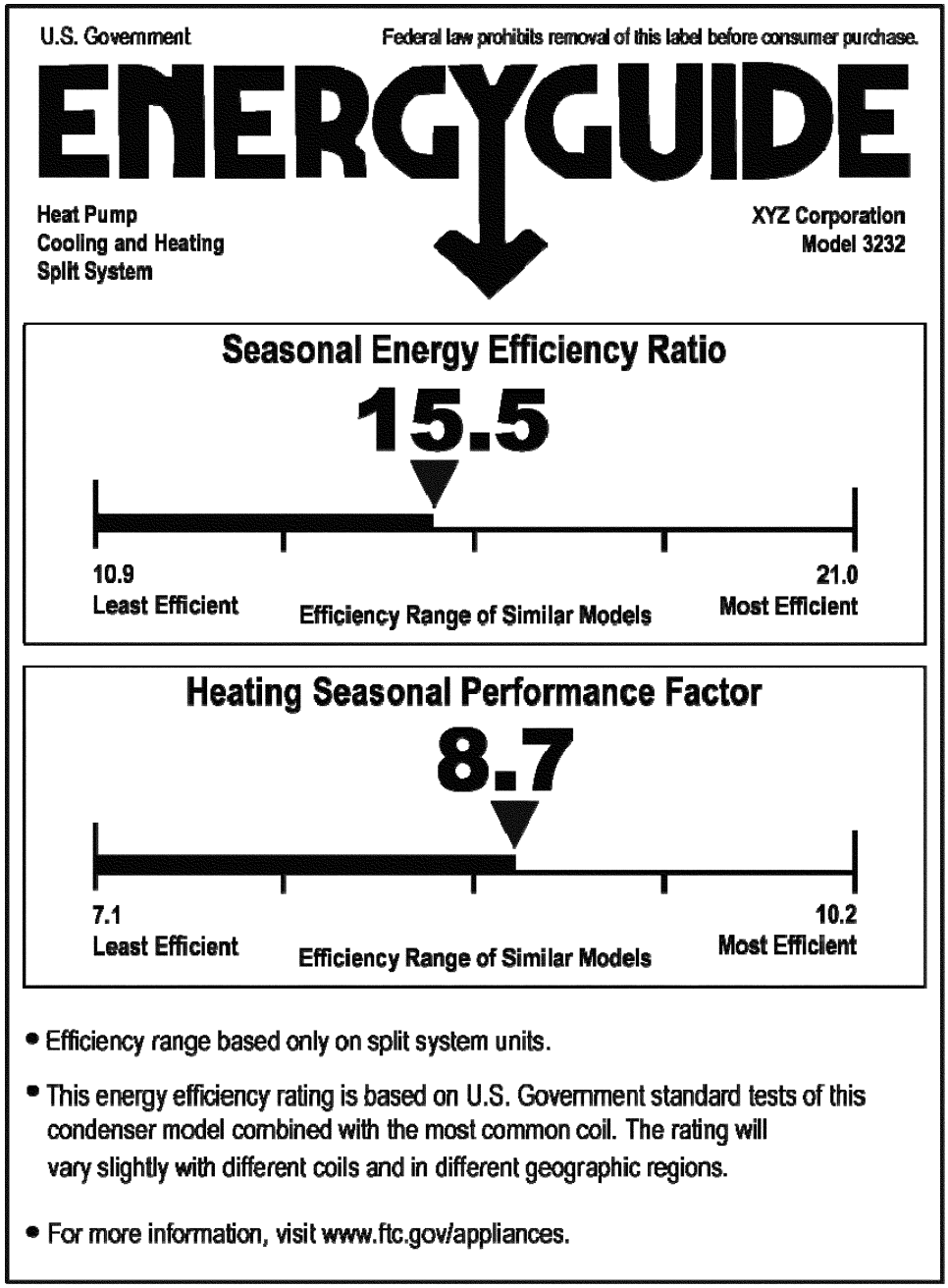


Installation allowed

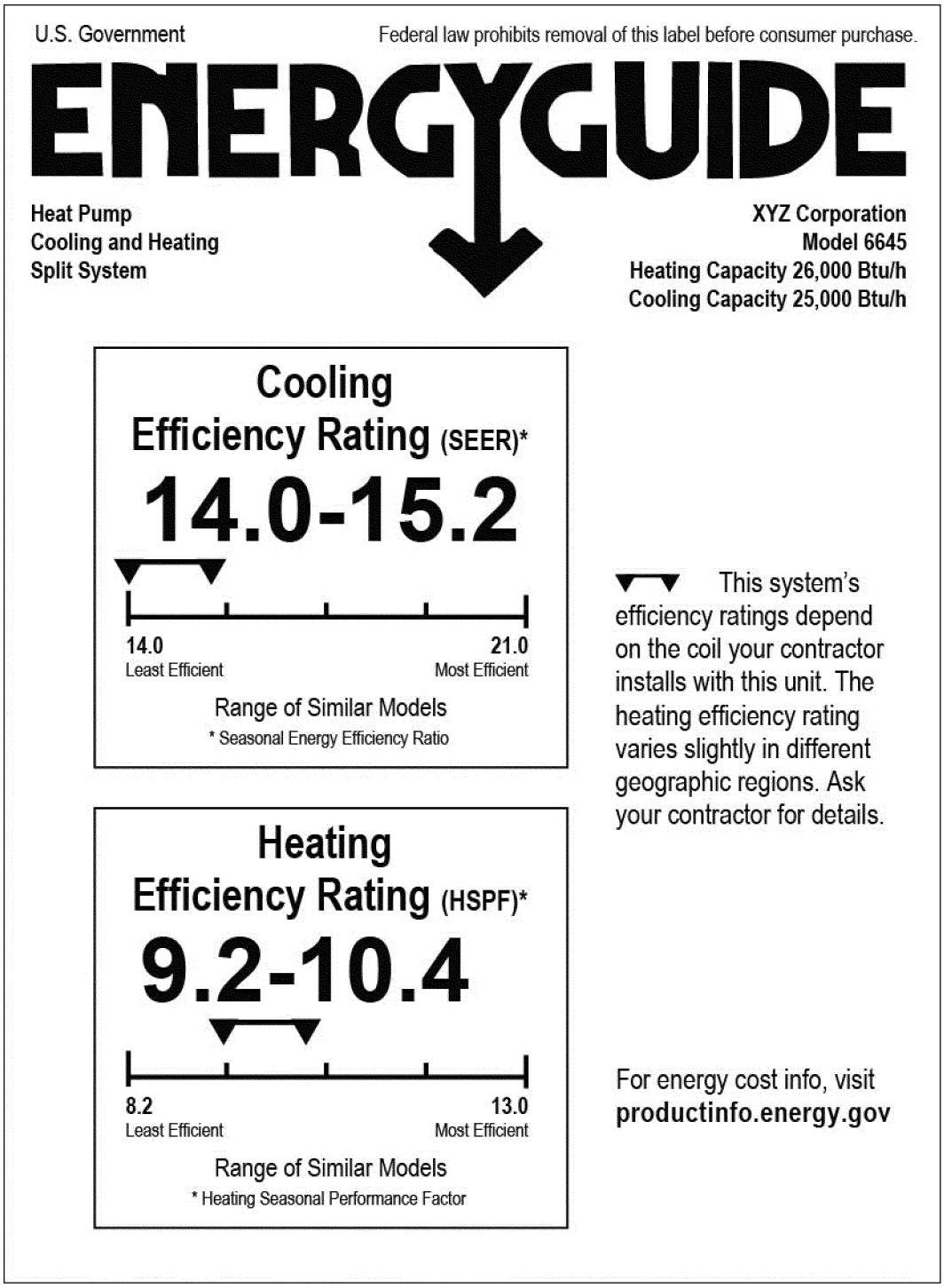
Federal law prohibits installation of this unit in other states.

Energy Efficiency Ratio (EER): This unit's EER is 10.9.

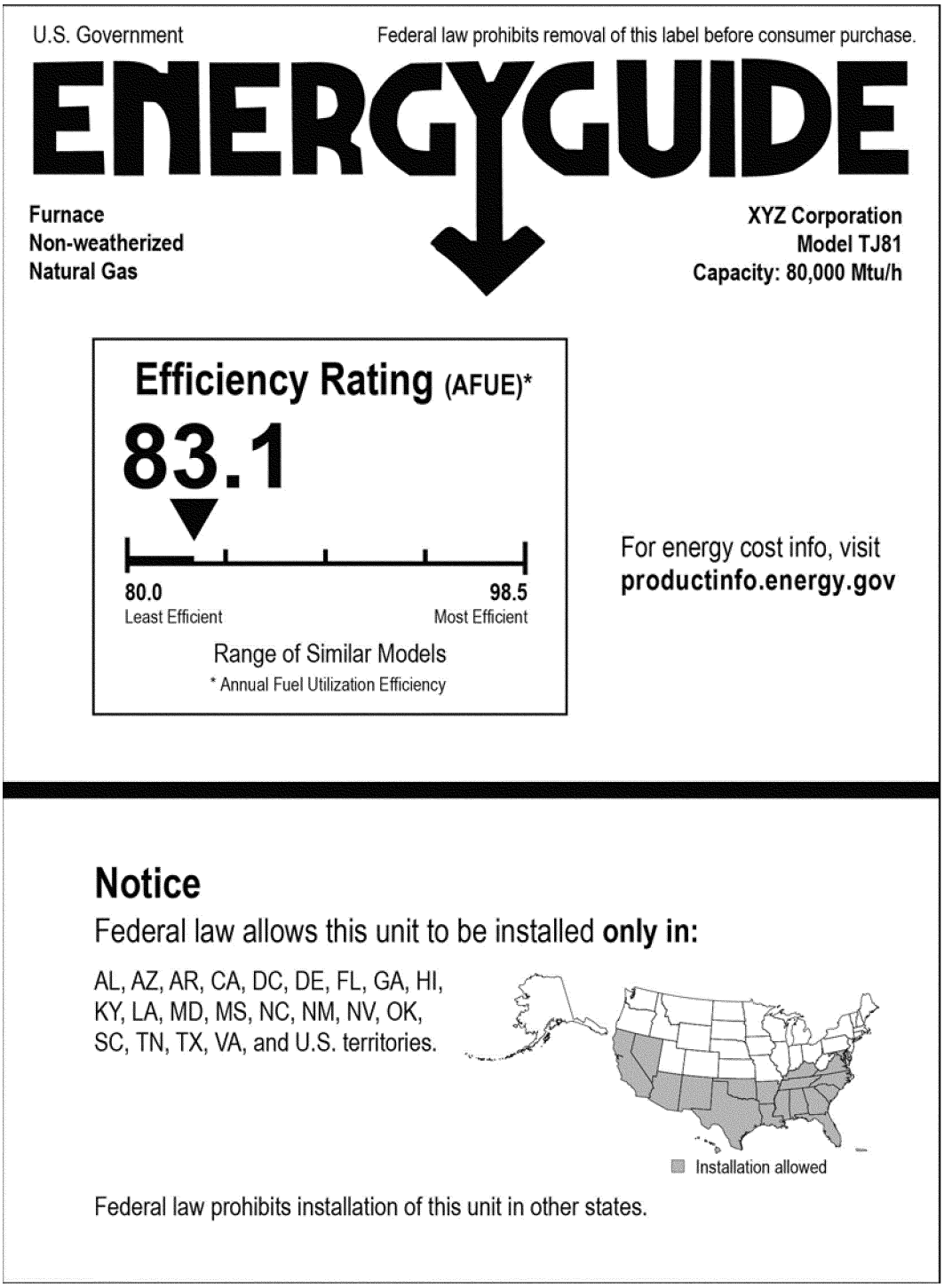
Sample Label 7B - Single-Package Central Air Conditioner (models manufactured after the compliance date of DOE regional efficiency standards in 10 CFR part 430)



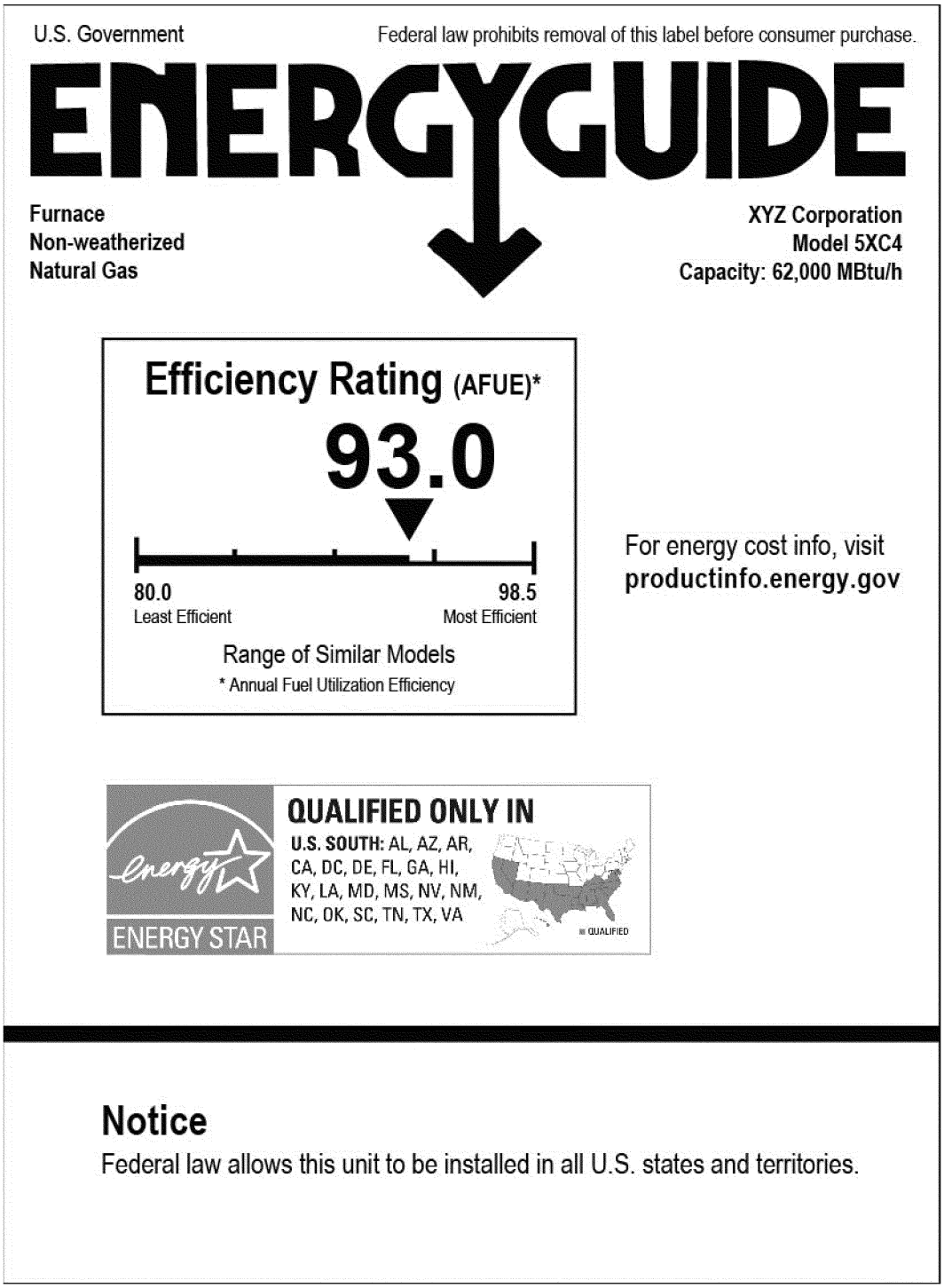
Sample Label 8 - Split-system Heat Pump (only for units manufactured before the compliance date of DOE regional efficiency standards in 10 CFR part 430)



Sample Label 8A - Split-system Heat Pump (only for units manufactured on or after the compliance date of DOE regional efficiency standards in 10 CFR part 430)



Sample Label 9 - Non-weatherized Gas Furnace (below 90 AFUE) (only for units manufactured on or after the compliance date of DOE regional efficiency standards in 10 CFR part 430)



Sample Label 9A - Non-weatherized Gas Furnace (ENERGY STAR) (only for units manufactured on or after the compliance date of DOE regional efficiency standards in 10 CFR Part 430)

U.S. Government

Federal law prohibits removal of this label before consumer purchase.

ENERGYGUIDE

Furnace
Non-weatherized
Oil

XYZ Corporation
Model GX40
Capacity: 105,000 Btu/h

Efficiency Rating (AFUE)*

84.1

83.0 Least Efficient

95.4 Most Efficient

Range of Similar Models

* Annual Fuel Utilization Efficiency

For energy cost info, visit
productinfo.energy.gov

Your efficiency rating depends on the input capacity set by your installer.

The input capacity is 119,000 Btu/h unless your installer checks an input capacity box below.

Input Capacity set by installer (Btu/h)	**Efficiency Rating** (AFUE)
☐ 84,000	85.5
☐ 105,000	84.8
☐ 140,000	83.5

Sample Label 9B – Non-weatherized Oil Furnaces (only for units manufactured on or after the compliance date of DOE regional efficiency standards in 10 CFR part 430)

Lighting Facts Per Bulb

Brightness	**820 lumens**
Estimated Yearly Energy Cost	**$7.23**
Based on 3 hrs/day, 11¢/kWh	
Cost depends on rates and use	
Life	
Based on 3 hrs/day	**1.4 years**
Light Appearance	
Warm — Cool	
2700 K	
Energy Used	**60 watts**

Sample Label 10

Lighting Facts Label for General Service Lamp Not Containing Mercury

Lighting Facts Per Bulb

Brightness	**870 lumens**
Estimated Yearly Energy Cost	**$1.57**
Based on 3 hrs/day, 11¢/kWh	
Cost depends on rates and use	
Life Based on 3 hrs/day	**5.5 years**
Energy Used	**13 watts**

Light Appearance

Warm — Cool

2700 K

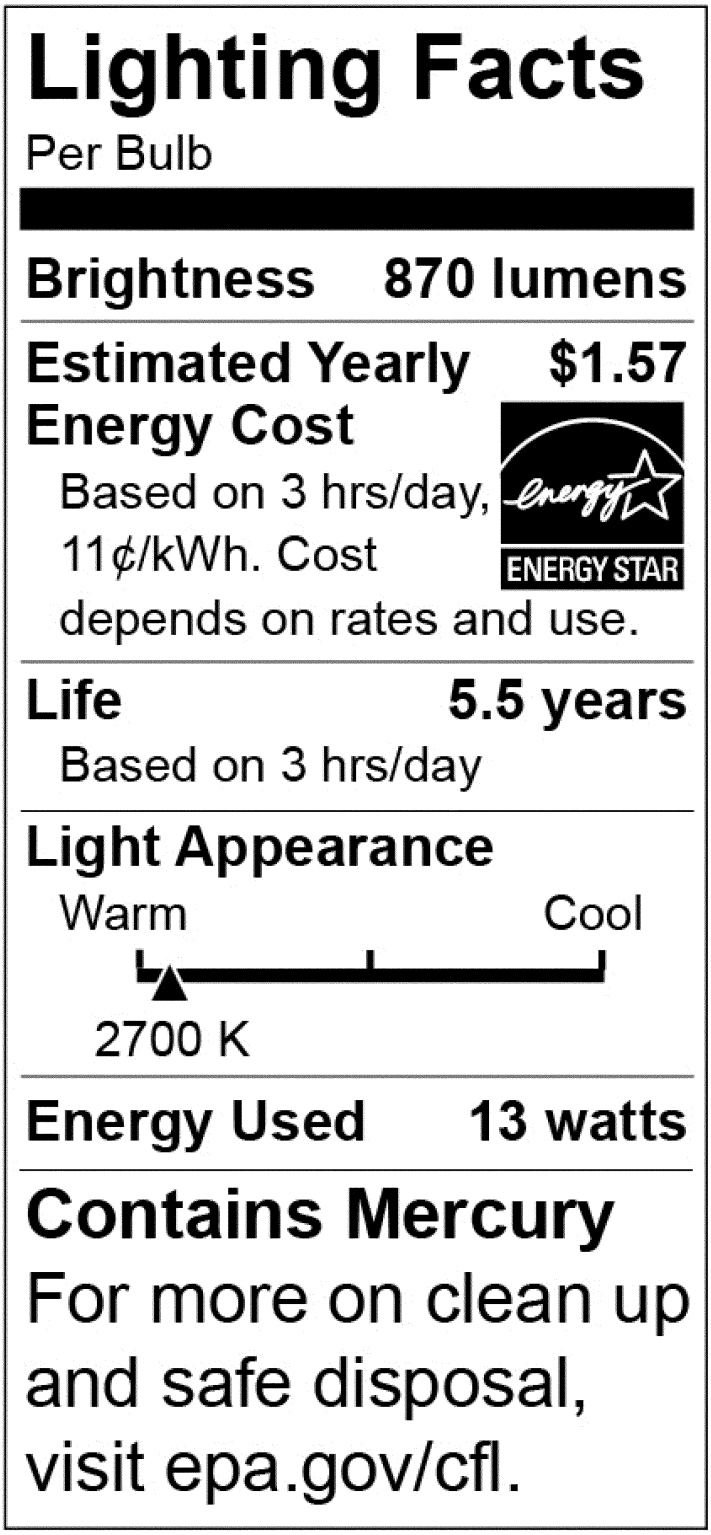
ENERGY STAR

Contains Mercury

For more on clean up and safe disposal, visit epa.gov/cfl.

Sample Label 11

Lighting Facts Label For General Service Lamp Containing Mercury (Wide Orientation)

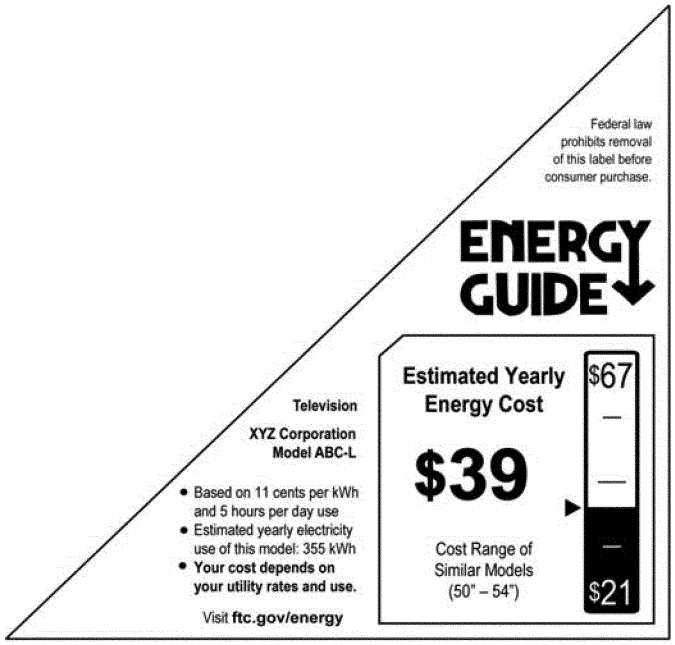


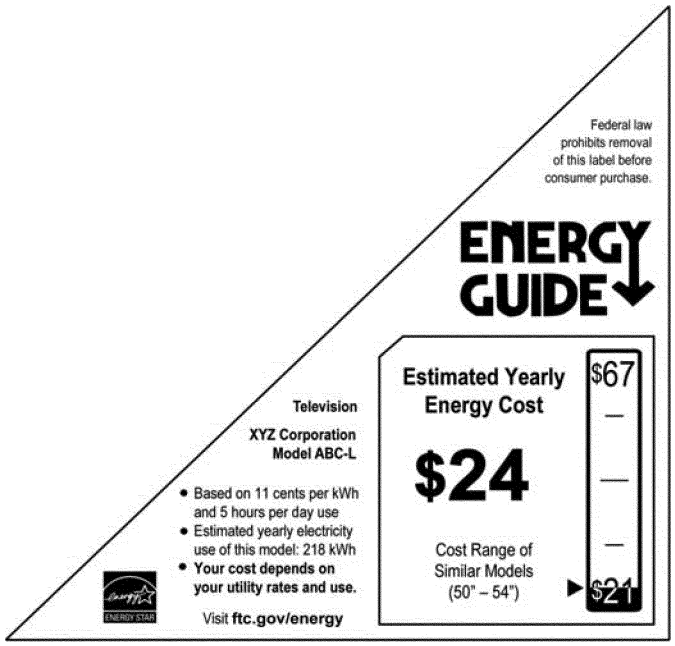
Sample Label 12

Lighting Facts Label For General Service Lamp Containing Mercury (Tall Orientation)

Sample Label 13

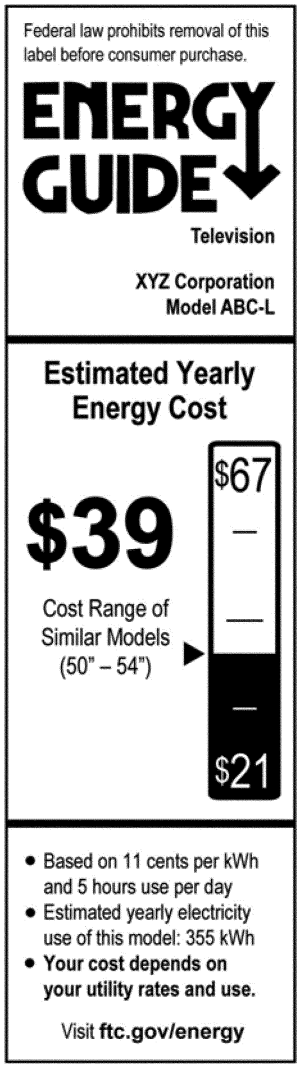
Lighting Facts Label For General Service Lamp Containing Mercury (Bilingual Example)

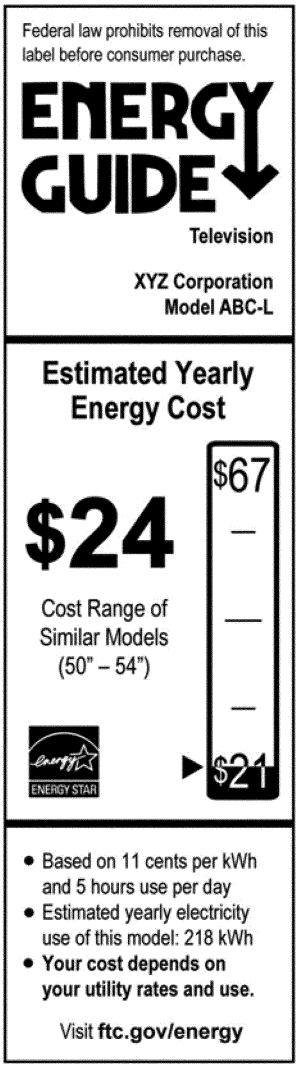




Sample Label 14

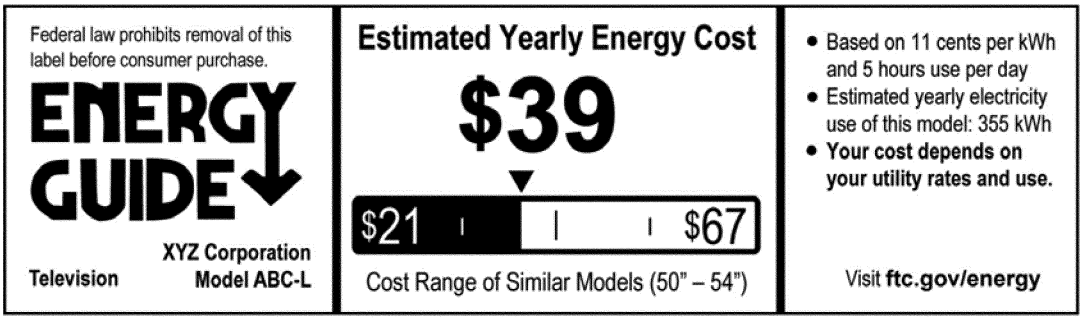
Triangular Television Labels

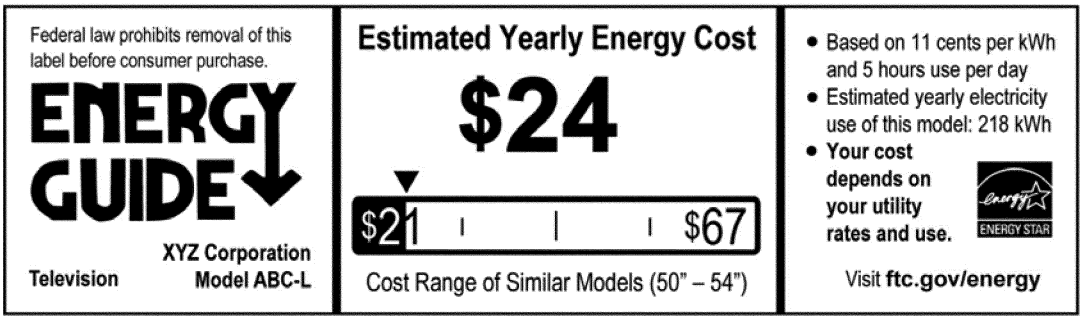




Sample Label 15

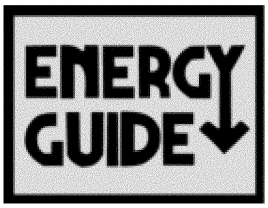
Vertical Television Labels



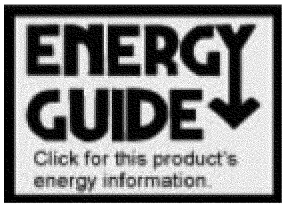


Sample Label 16

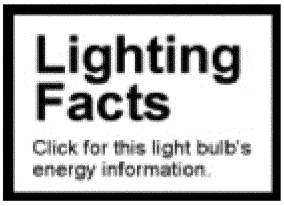
Horizontal Television Labels



Sample Label Icon (for use on television retail websites before January 1, 2014)



Sample Label Icon (for use on all retail websites after January 1, 2014)



Sample Label Icon (for use on all retail websites after January 1, 2014)

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2013–17553 Filed 7–22–13; 8:45 am]

BILLING CODE 6750–01–C

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0260]

RIN 1625–AA00

Safety Zone; Bullhead City Regatta; Bullhead City, AZ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the Colorado River in Bullhead City, Arizona for the Bullhead City Regatta on August 10, 2013. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: This rule is effective from 6 a.m. to 6 p.m. on August 10, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0260]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant John Bannon, Waterways Management, U.S. Coast Guard Sector San Diego; telephone (619) 278–7656, email *d11marineeventssd@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard issued a Notice of Proposed Rulemaking for this event on June 7, 2013 (78 FR 34300). We received no comments or requests for a public meeting.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delay would be impracticable and contrary to the public interest. The Coast Guard did not receive the necessary information for this event with sufficient time to publish both an NPRM and undertake a 30 day delayed effective date. Seeking public input, the Coast Guard issued an NPRM to give notice and seek public comment. Immediate action is required to ensure the safety zone is in place to protect participants, crew, spectators, participating vessels, and other vessels and users of the waterway during the event.

B. Basis and Purpose

The legal basis for this temporary rule is the Ports and Waterways Safety Act which authorizes the Coast Guard to establish safety zones (33 U.S.C. sections 1221 et seq.).

The City of Bullhead is sponsoring the Bullhead City Regatta, which is held on the navigable waters of the Colorado River in Bullhead City, AZ. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and other vessels and users of the waterway. This event involves participants floating down the river on inflatable rafts, inner tubes and floating platforms as part of the Bullhead City organized event. The size of vessels used will vary in length. Approximately 30,000 people are expected to participate in this event. The sponsor will provide for more than 35 patrol and rescue boats to help facilitate the event and ensure public safety. As the participants conclude each section of the river, the associated safety zone will collapse behind the last group of boaters to ensure the full use of the waterway to the maximum extent without compromising the safety of the participants and safety support teams for this large waterway user marine event.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard received no comments on the NPRM. However, several concerned citizens have contacted Coast Guard Sector San Diego this year and past years inquiring more about the exclusion of the waterway for non-paying waterway users, the rights of the public to have free access to travel the river, and excessive trash resulting from the event. The safety zone is being established this year as in past years to help provide a safe area for this widely attended event, and the sponsor has indicated other additional safety measures have been taken and fees associated with the event are used for trash clean up, volunteers and designated safety lifeguard patrols. Overall, concerns are best addressed by the event sponsor. Each of these issues has been addressed with the sponsor during the planning stages of this event, including the collapsing of the exclusionary safety zone behind the last event participants as they depart the starting point at Davis Camp towards Rotary Park down river, thus allowing for reopening full use of the waterways as soon as possible. Because changing the size or duration of the safety zone would not support overall event safety measures or fully address the concerns submitted, no changes were made to the regulatory text.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. This determination is based on the size and location of the safety zone. The safety zone will encompass all navigable waters in the vicinity of Davis Camp to Rotary Park in Bullhead City, AZ. Vessels may transit through the safety zone during the specified times if they request and receive permission from the Captain of the Port or his designated representative.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule and the impact of a temporary one day closure of the portion of the Colorado River for this annual event. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the waters of the Colorado River between Davis Camp to Rotary Park in Bullhead City, Arizona from 6 a.m. to 6 p.m. on August 10, 2013.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Although the safety zone would apply to the entire width of the river, traffic would be allowed to pass through the zone with the permission of the Coast Guard patrol commander and the safety zone will collapse as the last event participants depart the starting point. Before the effective period, the Coast Guard will publish a Local Notice to Mariners (LNM).

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's

responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INTFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a temporary safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–570 to read as follows:

§ 165.T11–570 Safety zone; Bullhead City Regatta; Bullhead City, AZ.

(a) *Location.* This temporary safety zone includes the waters of the Colorado River between Davis Camp and Rotary Park in Bullhead City, AZ.

(b) *Enforcement Period.* This section will be enforced from 6 a.m. to 6 p.m. on August 10, 2013. Before the effective period, the Coast Guard will publish a Local Notice to Mariners. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: *designated representative,* means any commissioned, warrant, or petty officer of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated representative.

(2) Mariners can request permission to transit through the safety zone from the Patrol Commander. The Patrol Commander can be contacted on VHF–FM channels 16 and 23.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated representative.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(5) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: June 9, 2013.

S.M. Mahoney,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2013–17604 Filed 7–22–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0192]

RIN 1625–AA00

Safety Zones; Tall Ship Safety Zones; War of 1812 Bicentennial Commemoration, Great Lakes

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone around each tall ship participating in the Tall Ships Challenge Great Lakes 2013 and the War of 1812 Bicentennial Commemoration. These safety zones will ensure the safety of participating tall ships, spectator vessels, and commercial traffic throughout the Great Lakes.

DATES: This rule will be enforced with actual notice from 12:01 a.m. on July 3, 2013, until July 23, 2013. This rule is effective in the Code of Federal Regulations from July 23, 2013, until September 10, 2013, at 11:59 p.m.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2013–0192. To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number (USCG–2013–0192) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Mr. Mark Bobal, Prevention Department, Ninth Coast Guard District, Cleveland, OH telephone (216) 902–6052, email *mark.d.bobal@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
TFR Temporary Final Rule

A. Regulatory History and Information

On May 1, 2013, the Coast Guard published an NPRM in the **Federal Register** (78 FR 25410), proposing to establish temporary safety zones around each of the twenty-one tall ships participating in the Tall Ships Challenge Great Lakes 2013 and the War of 1812 Bicentennial Commemoration. The comment period for this NPRM concluded on May 31, 2013, and no comments were received. No public meeting was requested and none was held.

In another regulation, the Coast Guard will establish a special local regulation for the tall ships celebration parade in Bay City, Michigan, on July 11, 2013 (USCG–2013–0368).

Under 5 U.S.C. 553(d)(3), The Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. The final details of this event were not known to the Coast Guard until there was insufficient time for allow for a 30 day delayed effective date. Although the Coast Guard provided for a 30 day comment period, waiting an additional 30 days for the delayed effective period to run would be impractical and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a large gathering of sailboats in preparation for a race, which are discussed further below.

B. Basis and Purpose

As announced the Notice of Proposed Rulemaking, the U.S. Navy has planned to hold a series of events along the Great Lakes during the summer of 2013. Detailed information about remaining commemorations can be found at *http://www.visit1812.com*.

Also to commemorate the War of 1812 over the summer of 2013, twenty-five tall ships will traverse all five Great Lakes as part of the Tall Ships Challenge Great Lakes 2013. Between June 13 and September 17, 2013, the tall ships will appear in twenty-two Great Lakes ports and participate in five separate races. Millions of spectators are expected to attend the tall ships events throughout the Great Lakes. Information about the Tall Ships Challenge can be found at: *http://www.sailtraining.org/tallships/2013greatlakes/*.

The Coast Guard expects the following tall sailing ships to participate in the Tall Ships Challenge Great Lakes 2013: the APPLEDORE IV, CHALLENGE, COASTER, DENIS SULLIVAN, EMPIRE SANDY, FAIR JEANNE, FRIENDS GOOD WILL, HALIE & MATTHEW, HINDU, KAJAMA, LA REVENANTE, LIANAS RANSON, LYNX, MADELINE, MIST OF AVALON, NIAGARA, PATHFINDER, PEACEMAKER, PLAYFAIR, PRIDE OF BALTIMORE II, RED WITCH, SORLANDET, ST. LAWRENCE II, UNICORN, and the WINDY.

The Ninth District Commander has determined that the War of 1812 Bicentennial Commemoration and the Tall Ships Challenge Great Lakes 2013 may pose serious dangers to the boating public. This determination is based on the high concentration of recreational boaters expected to be drawn to these events. The number of spectators is expected to be particularly high in the port areas of Erie, PA; Cleveland, OH; Put-in-Bay, OH; Bay City, MI; Chicago, IL; Green Bay, WI; and Duluth, MN because of events planned for those ports. The Ninth District Commander's determination is also based on the decreased maneuverability of tall sailing ships and the commercial vessel traffic known to frequent the aforementioned port areas.

With these dangers in mind, the Ninth District Commander will establish temporary safety zones pursuant to the authority granted in the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.).

C. Discussion of Comments, Changes and the Final Rule

To alleviate the dangers posed by the expected high concentration of recreational boaters, commercial traffic operations, and the limited maneuverability of tall sailing ships, the Ninth District Commander has determined that it is necessary to establish a safety zone around each tall ship participating in the War of 1812 Bicentennial Commemoration and the Tall Ships Challenge Great Lakes 2013. Accordingly, the Ninth District Commander will establish a safety zone around each of the tall ships listed in the *Basis and Purpose* section above.

These safety zones will be in effect and enforced from 12:01 a.m. on July 3, 2013, until 11:59 p.m. on September 10, 2013. On September 2, 2013, each tall ship participating in the re-enactment of the Battle of Lake Erie will be surrounded by a safety zone 500 yards in radius. At all other times, between July 3, 2013, and September 10, each tall ship will be surrounded by a safety zone 100 yards in radius. These safety zones will be in effect and enforced around each tall ship regardless of whether the tall ship is underway, at anchor, or moored.

In accordance with 33 CFR 165.33, no vessel or person may enter one of these safety zones without the permission of the Ninth District Commander, the cognizant Captain of the Port, or the on-scene designated representative. Permission may be obtained to enter a safety zone by contacting the on-scene designated representative on VHF channel 16. Each vessel permitted to enter a safety zone must remain at least 25 yards from any tall ships within the zone. Additionally, each vessel permitted to enter one of the safety zones established by this rule must operate at the minimum speed necessary to maintain a safe course and must proceed as directed by the Ninth District Commander, the cognizant Captain of the Port, or the on-scene designated representative.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues.

Although these safety zones will be enforced throughout the Great Lakes, each zone will be relatively small and only enforced in any one particular geographic area for a minimal time. This is because the safety zones will follow the tall ships through the Great Lakes and not remain in any given area for more than a few days. Even when these safety zones are being enforced in a given port area, vessels will have the opportunity to transit through a zone by obtaining permission from the Ninth District Commander, the cognizant Captain of the Port, or the on-scene designated representative. For these reasons, restrictions on vessel movement within any particular geographic area of the Great Lakes are expected to be minimal, and therefore, the Coast Guard considers this rulemaking not to be a significant regulatory action.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in one of the safety zones established by this rule. This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons discussed in the *Regulatory Planning and Review* section above.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** above. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this temporary rule elsewhere in this preamble.

8. Taking of Private Property

This temporary rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This temporary rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children From Environmental Health Risks

We have analyzed this temporary rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This temporary rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This temporary rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and

Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This rule is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under figure 2–1, paragraph (34)(g), of the Commandant Instruction because it involves the establishment of safety zones. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0192 to read as follows:

§ 165.T09–0192 Tall Ship Safety Zones; War of 1812 Bicentennial Commemoration, Great Lakes.

(a) *Locations.* The following are safety zones:

(1) All navigable waters of the United States located in the Ninth Coast Guard District within a 100 yard radius of the following tall ships: APPLEDORE IV, CHALLENGE, DENIS SULLIVAN, EMPIRE SANDY, FAIR JEANNE, FRIENDS GOOD WILL, HINDU, KAJAMA, LA REVENANTE, LYNX, MADELINE, NIAGARA, PATHFINDER, PEACEMAKER, PLAYFAIR, PRIDE OF BALTIMORE II, RED WITCH, SORLANDET, ST. LAWRENCE II, UNICORN, and the WINDY. These safety zones will be enforced around each tall ship regardless of whether the tall ship is underway, at anchor, or moored.

(2) All navigable waters of the United States located in the Ninth Coast Guard District within a 500 yard radius of each tall ship participating in the re-enactment of the Battle of Lake Erie on September 2, 2013.

(b) Effective and enforcement period. This rule is effective and will be enforced between 12:01 a.m. on July 3, 2013 until 11:59 p.m. on September 10, 2013.

(c) Regulations. (1) In accordance with the general regulations in section 165.23 of this part, entry into a safety zone established by this section is prohibited without the authority of the Ninth District Commander, the cognizant Captain of the Port, or the on-scene designated representative.

(2) The ''designated representative'' of the Ninth District Commander is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Ninth District Commander or the cognizant Captain of the Port to act on his or her behalf.

(3) Permission may be obtained to enter a safety zone established herein by contacting the on-scene designated representative on VHF channel 16.

(4) Each vessel permitted to enter a safety zone established herein must remain at least 25 yards from any tall ships within that zone.

(5) Each vessel permitted to enter a safety zone established by this section must operate at the minimum speed necessary to maintain a safe course and must proceed as directed by the Ninth District Commander, the cognizant Captain of the Port, or the on-scene designated representative.

Dated: June 26, 2013.

M.N. Parks

Rear Admiral, U. S. Coast Guard, Ninth District Commander.

[FR Doc. 2013–17797 Filed 7–19–13; 4:15 pm]

BILLING CODE 9110–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 10

RIN 0906–AA94

Exclusion of Orphan Drugs for Certain Covered Entities Under 340B Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: HHS is issuing this final rule to clarify how section 340B(e) of the Public Health Service Act (PHSA) will be implemented. The final rule applies section 340B(e) of the PHSA only to drugs transferred, prescribed, sold, or otherwise used for the rare condition or disease for which the orphan drug was designated under section 526 of the Federal Food, Drug, and Cosmetic Act (FFDCA). The final rule also sets forth that it is the responsibility of the 340B covered entity to maintain auditable records that demonstrate compliance with the terms of the orphan drug exclusion requirements. This rule will provide clarity in the marketplace, maintain the 340B savings for newly-eligible covered entities, and protect the financial incentives for manufacturing orphan drugs designated for a rare disease or condition as indicated in the Affordable Care Act and intended by Congress.

DATES: This final rule is effective on October 1, 2013.

FOR FURTHER INFORMATION CONTACT: CDR Krista Pedley, Director, Office of Pharmacy Affairs (OPA), Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Parklawn Building, Room 10C–03, Rockville, Maryland 20857, or by telephone at (301) 594–4353.

SUPPLEMENTARY INFORMATION:

I. Background

The 340B Program was established by section 602 of the Veterans Health Care Act of 1992 (Pub. L. 102–585) and is codified as section 340B of the PHSA. Section 340B instructs HHS to enter into agreements with drug manufacturers of covered outpatient drugs. 42 U.S.C. 256b(a). Pursuant to section 340B(a)(1) of the PHSA, when a manufacturer signs a Pharmaceutical Pricing Agreement (PPA), it agrees that the prices charged for covered outpatient drugs to covered entities (organizations eligible under section 340B to receive 340B discounted pricing) will not exceed defined ceiling prices, which are based on pricing data

reported to the Centers for Medicare & Medicaid Services (CMS). The 340B ceiling price is calculated by taking the Average Manufacturer Price (AMP) and reducing it by the Unit Rebate Amount, which is calculated as indicated in 340B(a)(1) and 340B(a)(2)(A). Drugs purchased by covered entities through the 340B Program may not be sold or transferred to anyone other than the patients of the covered entities.

The Affordable Care Act and the HCERA made several changes to the 340B Program. The 340B Program generally has relied on published program guidance documents, which are typically finalized after a notice and comment period. However, we have determined that a regulation is necessary to implement these changes. On May 20, 2011, HHS published a notice of proposed rulemaking in the **Federal Register** (76 FR 29183) to provide details about how it proposed to implement section 340B(e) of the PHSA. As stated in the notice, the purpose of issuing this regulation is to: (1) Provide clarity in the marketplace; (2) maintain the 340B savings for newly-eligible covered entities; and (3) protect the financial incentives for manufacturing orphan drugs designated for a rare disease or condition as indicated in the Affordable Care Act and intended by Congress. (76 FR at 29184).

Section 7101 of the Affordable Care Act added several new categories of eligibility for 340B Program participants, allowing them to have access to 340B drug pricing. The entity types added to the list of eligible entities listed under 340B(a)(4) included: 340B(a)(4)(M) (children's hospitals and free-standing cancer hospitals), 340B(a)(4)(N) (critical access hospitals), and 340B(a)(4)(O) (rural referral centers and sole community hospitals). It also excluded free-standing cancer hospitals, critical access hospitals, rural referral centers, and sole community hospitals from access to 340B drug pricing for an orphan drug when it is used for a rare disease or condition. As amended by the Affordable Care Act and section 204 of the Medicare and Medicaid Extenders Act of 2010 (Pub. L. 111–309), section 340B(e) of the PHSA (42 U.S.C. 256b(e)) states the following:

• EXCLUSION OF ORPHAN DRUGS FOR CERTAIN COVERED ENTITIES—For covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M)), (N), or (O) of subsection (a)(4), the term 'covered outpatient drug' shall not include a drug designated by the Secretary under section 526 of the Federal Food, Drug, and Cosmetic Act for a rare disease or condition.

Congress passed the Orphan Drug Act of 1983 to stimulate the development of drugs for rare diseases. The Food and Drug Administration (FDA), Office of Orphan Products Development, administers the Orphan Drug Act and reviews requests for designations. A drug is designated by the FDA as ''a drug for a rare disease or condition'' pursuant to section 526 of the FFDCA at the request of the sponsor, if FDA finds that the drug is being or will be investigated for a rare disease or condition and, if approved by FDA, the approval will be for that disease or condition. 21 U.S.C. 360bb(a)(1). This designation is referred to as orphan-drug designation. 21 CFR 316.24. The orphan drug designation provides a number of incentives for the development of the orphan drug for the particular disease or condition. These incentives include: (1) 7-year market exclusivity to sponsors of approved orphan products; (2) a tax credit of 50 percent of the cost of conducting qualified human clinical trials; (3) Federal research grants for clinical testing of these new therapies to treat and/or diagnose rare diseases; and (4) an exemption from the usual drug application ''user'' fees charged by the FDA.

FDA will designate a drug for a rare disease or condition as an orphan drug in situations where the drug is also approved for a different disease or condition that does not qualify for such a designation. 21 CFR 316.23(b). However, each of the orphan drug incentives applies only when the orphan drug is targeted or used to treat the rare disease or condition and not when used for other indications.

First, the marketing exclusivity only applies if the drug has been approved by the FDA to be marketed for an orphan rare disease or condition, even if it has been approved by FDA for a common condition (non-rare use). Second, the tax credit must relate to testing of the drug for the rare disease or condition underlying the orphan designation and not for other diseases or conditions (non-rare uses). Third, the Federal research grants are for testing the treatment of rare diseases and not for other indications. Finally, the exemption from FDA user fee payments only applies to user fees charged when seeking marketing approval to treat the orphan designated rare disease or condition. The incentives associated with orphan drug designation do not apply to any indication for a disease or condition that has not itself received orphan drug designation (the product would not be considered to be an ''orphan drug'' for such additional uses).

The award of an orphan designation does not alter the standard regulatory requirements and process for obtaining marketing approval, which is a separate process administered by the FDA's Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research. In fact, a large majority of drugs with orphan designations do not have approval to be marketed in the United States. Only outpatient drugs that have been approved by FDA for marketing in the United States are included in the 340B Program. Thus, among outpatient drugs that have received an orphan designation, only those that have also received marketing approval by the FDA can be included as covered outpatient drugs for the 340B Program.

The May 20, 2011, **Federal Register** (76 FR 29183) notice provided a 60-day comment period and HHS received 50 comment letters raising a variety of issues. Comments were received from Members of Congress, manufacturers, 340B entities and providers, and other 340B stakeholders. HHS has carefully considered all comments in developing this final rule, as outlined in Section III, below, presenting a summary of all major comments and agency responses.

II. Summary of the Final Rule

General Provisions (Subpart A)

This final rule establishes a new Part 10 of Chapter 42 of the Code of Federal Regulations, which will include requirements for implementation of certain sections of section 340B of the PHSA ''Limitation on Prices of Drugs Purchased by Covered Entities.'' Additional 340B Program regulations may be published in the future and would be incorporated into this Part.

Eligibility To Purchase 340B Drugs (Subpart B)

Section 10.10 of the final rule establishes that entities meeting the requirements of section 340B(a)(5) of the PHSA and listed within section 340B(a)(4) of the PHSA are eligible to purchase covered outpatient drugs under the 340B Program. After the enactment of the Affordable Care Act, section 340B(a)(4) includes the following entity types: (1) A Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (SSA)); (2) An entity receiving a grant under section 340A of the PHSA; (3) A family planning project receiving a grant or contract under section 1001 of the PHSA; (4) An entity receiving a grant under subpart II of part

C of title XXVI of the PHSA (relating to categorical grants for outpatient early intervention services for HIV disease); (5) A state-operated AIDS drug purchasing assistance program receiving financial assistance under title XXVI of the PHSA; (6) A black lung clinic receiving funds under section 427(a) of the Black Lung Benefits Act; (7) A comprehensive hemophilia diagnostic treatment center receiving a grant under section 501(a)(2) of the SSA; (8) A native Hawaiian health center receiving funds under the Native Hawaiian Health Care Act of 1988; (9) An urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act; (10) Any entity receiving assistance under title XXVI of the PHSA (other than a state or unit of local government or an entity described in 340B(a)(4)(D)), but only if the entity is certified by the Secretary pursuant to paragraph 340B(a)(7); (11) An entity receiving funds under section 318 of the PHSA (relating to treatment of sexually transmitted diseases) or section 317(j)(2) (relating to treatment of tuberculosis) through a state or unit of local government, but only if the entity is certified by the Secretary pursuant to paragraph 340B(a)(7); (12) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the SSA) that—(i) is owned or operated by a unit of state or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of state or local government, or is a private non-profit hospital which has a contract with a state or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the SSA or eligible for assistance under the state plan under this title; (ii) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined under section 1886(d)(5)(F) of the SSA) greater than 11.75 percent or was described in section 1886(d)(5)(F)(i)(II) of the SSA; and (iii) does not obtain covered outpatient drugs through a GPO or other group purchasing arrangement; (13) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the SSA, or a free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the SSA, that would meet the requirements of 340B(a)(4)(L), including the disproportionate share adjustment percentage requirement under clause (ii) of such subparagraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the SSA; (14) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the SSA), and that meets the requirements of subparagraph 340B(a)(4)(L)(i); and (15) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the SSA, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of the SSA, and that both meets the requirements of subparagraph 340B(a)(4)(L)(i) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.

Drugs Eligible for Discounted Purchase Under 340B (Subpart C)

Under § 10.20, covered entities are generally eligible to purchase ''covered outpatient drugs'' as defined in section 1927(k)(2) of the SSA. Under § 10.21, certain drugs are excluded from the definition of ''covered outpatient drugs'' in § 10.20 for certain categories of covered entities. These drugs are orphan drugs used for rare diseases or conditions for which the orphan drug was designated under section 526 of the FFDCA.

As provided under section 340B(a)(10) of the PHSA, the law does not prohibit manufacturers from charging a price for a drug that is lower than the maximum price that may be charged under section 340B(a)(1). CMS has the authority to issue regulations on the Medicaid best price exemption. In the absence of specific guidance, manufacturers may make reasonable assumptions in their calculations, consistent with the general requirements and intent of section 1927 of the Social Security Act, Federal regulations, the Medicaid drug rebate agreement, and their customary business practices.

Section 340B(e) of the PHSA does not alter a manufacturer's obligation to sell covered outpatient drugs at no greater than the 340B ceiling price to the designated covered entities. A manufacturer may not condition the offer of statutory discounts upon a covered entity's assurance to the manufacturer of compliance with section 340B provisions. However, a covered entity is required to be in compliance with the statutory and regulatory provisions of the 340B Program. Failure to do so may result in the entity's obligation to repay a manufacturer for the inappropriate purchase and use of 340B drugs.

Section 10.21(a) establishes that, for the covered entities described in § 10.21(b), a covered outpatient drug does not include orphan drugs that are transferred, prescribed, sold, or otherwise used for the rare condition or disease for which that orphan drug was designated under section 526 of the FFDCA.

Section 10.21(b) describes the covered entities for which the orphan drug exclusion applies when used for the rare condition or disease for which that orphan drug was designated under section 526 of the FFDCA, including covered entities qualifying under PHSA sections 340B(a)(4)(M) (other than a children's hospital described in subparagraph (M)) (free-standing cancer hospitals), 340B(a)(4)(N) (critical access hospitals), and 340B(a)(4)(O) (rural referral centers and sole community hospitals). The exclusion does not apply to covered entities that meet the 340B Program eligibility requirements and are enrolled under sections 340B(a)(4)(A) through 340B(a)(4)(L) or to a children's hospital described in section 340B(a)(4)(M). Furthermore, if a hospital potentially qualifies under more than one section, such as a 340B(a)(4)(L) disproportionate share hospital and 340B(a)(4)(O) sole community hospital, the hospital must select which enrollment type it chooses to qualify under and comply with the related regulatory and program requirements. During the registration and annual recertification processes, an entity is required to certify that it meets the requirements for such an enrollment type, including the orphan drug exclusion.

Section 10.21(c) establishes that it is the responsibility of the covered entities to which this provision applies to ensure that orphan drugs that are purchased through the 340B Program are not transferred, prescribed, sold, or otherwise used for the rare condition or disease for which orphan drugs are designated under section 526 of the FFDCA. These covered entities are required to keep auditable records and provide them upon HRSA's request or upon a government-approved manufacturer audit request that directly pertains to the covered entity's compliance with section 340B(e) of the PHSA. Any HRSA audit of an affected covered entity will include a review of the covered entity's auditable records that demonstrate compliance with this regulation, if applicable. Additionally, in accordance with section 340B(a)(5) of the PHSA, with government approval, a manufacturer has the right to audit an affected covered entity's compliance with this section.

Under § 10.21(c), a covered entity listed in § 10.21(b) that cannot or does not wish to maintain auditable records

sufficient to demonstrate compliance this rule, must notify HRSA and purchase all orphan drugs outside of the 340B Program regardless of the indication for which the drug is used. Once a hospital is enrolled in 340B, it may change its decision to purchase all orphan drugs outside of the 340B Program on a quarterly basis by notifying HRSA. This documentation will be made public. This information will also be verified during the annual recertification process.

Section 10.21(d) clarifies that a free-standing cancer hospital enrolled under section 340B(a)(4)(M) of the PHSA must still comply with the prohibition against using a GPO for covered outpatient drugs under section 340B(a)(4)(L)(iii) of the PHSA. As stated in Section 10.21(a), when an orphan drug is used for the rare condition or disease for which that orphan drug was designated under section 526 of the FFDCA, it is not considered a covered outpatient drug for purposes of the 340B Program. Therefore, a free-standing cancer hospital could use a GPO when an orphan drug is used for a rare disease or condition if it is able to track by indication, as these drugs are not considered covered outpatient drugs and the GPO prohibition only applies to covered outpatient drugs. When an orphan drug is used for a non-rare condition or disease, it is considered a covered outpatient drug and a free-standing cancer hospital cannot use a GPO. If the free-standing cancer hospital is unable track by indication, it would not be able to demonstrate the difference between when an orphan drug is used for a rare disease or condition as compared to a non-rare disease or condition. Therefore, a free-standing cancer hospital must purchase all orphan drugs, regardless of indication, outside of the 340B Program and it is not permitted to use a GPO to purchase those orphan drugs because the hospital would be purchasing orphan drugs that are considered covered outpatient drugs through a GPO.

An enrolled critical access hospital, rural referral center, or sole community hospital is permitted to use a GPO for covered outpatient drugs even if enrolled in the 340B Program. Thus, these types of entities can use a GPO to purchase an orphan drug whether or not it is used for a rare disease or condition, if it chooses not to purchase any designated orphan drugs under the 340B Program.

Section 10.21(e) directs manufacturers and covered entities to information and orphan drug lists that will be published on HRSA's public Web site. Because of the need for recordkeeping and tracking by covered entities which are limited in purchasing orphan drugs for rare conditions, the 340B Program will use the FDA's list of drugs on a quarterly basis. HRSA will publish on its public Web site FDA's section 526 list of drugs on the first day of the month prior to the end of the calendar quarter to govern the following quarter's purchases. Manufacturers and covered entities will use HRSA's published orphan drug list to determine whether a drug is designated under section 526 of the FFDCA and, if so, the rare indication for which it is designated. This information, which includes the name of the drug sponsor, can be accessed by the public at *http://www.accessdata.fda.gov/scripts/opdlisting/oopd/index.cfm*.

III. Comments and Responses

HHS received a total of 50 comments in response to the notice of proposed rulemaking published on May 20, 2011, in the **Federal Register** (76 FR 29183). The comments raised numerous issues and included general support of, and general opposition to, the proposed rule implementing section 340B(e) of the PHSA. All comments were considered in developing this final rule.

The following section presents a summary of all major issues raised in the comment letters, grouped by subject, as well as a response to each comment.

1. Interpretation of Statutory Language

Comment: Several commenters supported the proposed rule as clarifying how orphan drugs should be purchased under the 340B Program. Several commenters noted that HRSA's interpretation of the statutory language supports the intent of Congress to improve access to 340B discounted drugs for the newly-eligible entities, while recognizing the issues associated with orphan drug use for rare conditions and diseases, and that a broader interpretation of the prohibition would undermine new covered entity participation and place a substantial burden on affected entities. Commenters asserted that orphan drugs were commonly used for many treatments in addition to the rare condition or disease for which FDA had designated it an orphan drug. Some entities have chosen not to participate in the 340B Program because the costs of paying non-340B prices for all drugs with at least one orphan drug indication could have exceeded the cost saving benefits of other non-orphan designated 340B drugs. Several commenters believe the interpretation of the statutory language reflected in the proposed rule follows the spirit of the 340B Program, giving covered entities access to orphan drugs for non-rare indications under the 340B Program while preserving financial incentives for manufacturers.

Response: HRSA believes the interpretation as set forth in this rule reflects the intent of Congress to expand eligible entities and restrict purchases of certain orphan drugs by both providing 340B savings for newly-eligible covered entities including commonly prescribed uses of orphan drugs and protecting the financial incentives for manufacturing orphan drugs designated for a rare disease or condition.

Comment: Several commenters noted that the limitation of the orphan drug exclusion to FDA-designated orphan drugs when used to treat an orphan indication is consistent with the limitations of the orphan drug statute, implementing regulations, and policy placed on the tax benefits, market exclusivity, and other incentives otherwise given to orphan drug manufacturers. Commenters stated that applying a broader application of the 340B orphan drug exclusion whereby affected entities could not purchase an FDA designated orphan drug for any treatment purpose would be inconsistent with section 526 of the FFDCA, and would limit the covered drugs available to the newly covered entities in the 340B Program in such a way as to significantly limit their ability to participate in the 340B Program.

Response: HRSA agrees with these comments and has proposed a balanced expansion to the 340B discounts to new entities and continued benefits for the development of orphan drugs for rare diseases and conditions.

Comment: Several of the commenters supported the clear statement in the proposed rule that manufacturers are prohibited from placing conditions or limitations on the purchase of orphan drugs for non-orphan conditions.

Response: HRSA has sought to make clear that all orphan drugs that meet the definition of covered outpatient drug for these four types of entities are subject to the same requirements applicable to all other 340B covered outpatient drugs. Therefore, orphan drugs used for common conditions are subject to the same general rules and requirements under the 340B Program as all other covered outpatient drugs (*e.g.,* pricing, availability, etc.). Section 340B(e) of the PHSA does not alter a manufacturer's obligation to sell covered outpatient drugs at no greater than the ceiling price to the designated covered entities. A manufacturer may not condition the offer of statutory discounts upon a covered entity's assurance of

compliance with section 340B provisions. At the same time, an affected entity is required to maintain systems that distinguish the use of such drugs for orphan and non-orphan use. If an entity cannot maintain such systems of records, it cannot purchase orphan drugs, regardless of the indication, through the 340B Program. Failure to do so may result in the entity's obligation to repay a manufacturer for the inappropriate purchase and use of 340B orphan drugs for prohibited purposes.

Comment: Several comments from manufacturers included the assertion that the plain text of the 340B orphan drug exclusion does not permit an indication-specific interpretation. Others stated that the statutory language unambiguously applied to drugs and not a particular use of a drug. Some urged HRSA to reach the same conclusion on the grounds that if Congress had intended the statute to be interpreted on the basis of the indication, that the statute would have expressly stated that it only applied when utilized for the rare designation or indication. One commenter stated that when Congress intends to distinguish between different indications of a drug, the term ''indication'' is expressly stated in the statute and that in the absence of express references to particular indications, a reference to ''a drug'' designated under section 526 for a rare disease or condition applies to all uses of the drug. In support of this statement the commenter stated that the relevant provisions of FFDCA section 736(a)(1)(F) and the Patient Protection and Affordable Care Act section 9008(e)(3) contain ''indication-specific'' language.

Response: This rule is consistent with the language of the orphan drug exclusion in 340B(e) of the PHSA, which states that it applies to drugs ''for a rare disease or condition.'' Interpreting the statutory language to exclude all uses of drugs with an orphan designation, including indications for other diseases and conditions, would nullify the benefits of the expansion of the 340B Program for those entities. Therefore, we believe that interpreting the statutory language to exclude all indications for a drug that has an orphan drug designation is contrary to Congressional intent to balance the interests of orphan drug research and the expansion of the 340B Program to new entities. Drugs that are marketed for a rare disease are in some cases also approved for other indications; some of these drugs are among the most widely used today. This rule recognizes the unique issues associated with orphan drugs, when the drug with such a designation is used for a rare disease or condition, by excluding them from the 340B Program for these entities. This approach is consistent with the implementation of the FFDCA by FDA. Some orphan designated drugs have not yet been approved for marketing for the rare condition or disease, but may have marketing approval for other indications. The fact that drugs can have multiple indications, only some of which qualify for orphan designation, has led HHS to conclude, consistent with the statutory language, that the exemption from the term ''covered outpatient drug'' under section 340B(e) of the PHSA applies to orphan drugs only when they are transferred, prescribed, sold, or otherwise used for the rare condition or disease for which the orphan drug was designated.

Comment: Some of the commenters asked the agency to make further clarifications in its interpretation of section 340B(e) of the PHSA. Some asked that HRSA clarify the confusion that will exist because of ''designated'' versus ''designated/approved'' products on the FDA orphan drug list.

Response: HRSA believes that the rule clarifies orphan drug designations as it applies to section 340B(e) of the PHSA. A drug is designated by the FDA as ''a drug for a rare disease or condition'' pursuant to section 526 of the FFDCA if, at the request of the sponsor, FDA finds that the drug is being or will be investigated for a rare disease or condition. This designation is referred to as ''orphan-drug'' designation. The award of an orphan drug designation does not alter the standard regulatory requirements and process for obtaining marketing approval, which is a separate process administered by the FDA's Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research. In fact, a large majority of drugs with orphan designations do not have approval to be marketed in the United States. Only outpatient drugs that have been approved for marketing in the United States are included in the 340B Program. Thus, among outpatient drugs that have received an orphan designation, only those that have also received marketing approval by the FDA can be included as covered outpatient drugs in the 340B Program.

Comment: Some commenters stated that HRSA should clarify that the 340B orphan drug exclusion will only apply for a drug manufactured by the sponsor of the orphan drug—not generic drugs or other manufacturers of the same drug for non-orphan conditions.

Response: HRSA believes that it is clear that the exclusion only applies to those drugs that match the section 526 listing by the FDA, which includes the name of the drug's sponsor. HRSA has further clarified in the preamble that the exclusion is limited to the drug that is specific to the sponsor listed.

Comment: Some commenters said that the 340B orphan drug exclusion should only apply through the 7-year market exclusivity period granted to orphan drugs. They contend that section 340B(e) of the PHSA should not apply for orphan drugs that have exceeded this exclusivity period.

Response: Given that section 340B(e) of the PHSA makes no mention of marketing exclusivity, HRSA does not interpret the statutory language to only apply through the exclusivity period. Regardless of exclusivity, an orphan drug maintains its designation status by FDA indefinitely, even after the exclusivity period.

2. Administrative Burden

Comment: Nearly all of the comments submitted in support of the proposed rule expressed concern about the potential burdens of maintaining records to demonstrate compliance, as described in proposed § 10.21(c). While many noted it was appropriate that the responsibility for demonstrating compliance remain with the covered entity, most asserted that § 10.21(c) would be challenging for covered entities and asked HRSA to recognize the burdens and allow flexibility regarding the particular approaches covered entities use for compliance. A commenter representing hospitals said its members recognized the challenges but reported they would be able to ensure, on a drug-by-drug basis, compliance with § 10.21(c) of the proposed rule. The commenter asked HRSA to allow hospitals to use alternative compliance systems that do not require separate purchasing accounts. Other commenters asserted that current split-billing software cannot track or provide auditable records regarding patients and their diagnoses.

Response: HRSA recognizes that compliance with this rule may be challenging for the subset of covered entities to which it applies. HRSA's OPA will provide technical assistance to covered entities seeking information concerning the new auditable records requirements. However, to ensure program integrity, the ability of a covered entity to determine which drugs are going to the entity's eligible patients has always been an essential element of covered entity participation. Under this rule, failure to comply with the applicable requirements is treated as violating the prohibition under sections 340B(a)(5)(B) and 340B(a)(5)(C) of the

PHSA. Utilization of the 340B Program is voluntary and covered entities should take into account any burden they may have in ensuring compliance. The covered entity is responsible for ensuring that records that document its compliance are auditable by the government or manufacturers in accordance with section 340B(a)(5)(C) of the PHSA. HRSA has instituted a covered entity audit program, and in these audits HRSA will include a review of covered entities' auditable records that demonstrate compliance with this regulation, when applicable. Additionally, in accordance with section 340B(a)(5) of the PHSA, manufacturers have the right to audit covered entities' compliance with these requirements. As already permitted by this program, the covered entity may also document its compliance by developing an alternative system to tracking each discounted drug through the purchasing and dispensing process. (59 FR 25113 (May 13, 1994)). Alternative tracking systems must be approved and will be considered by HRSA on a case-by-case basis. Under § 10.21(c), affected covered entities that cannot or do not wish to maintain auditable records sufficient to demonstrate compliance with this rule, must purchase all orphan drugs, regardless of indication, outside of the 340B Program.

Comment: While noting it will be burdensome to make necessary adaptations, some commenters stated that their current split-billing software and other systems can be updated to track drug purchases with patient diagnoses to create auditable records that show compliance. One hospital said it will be using ICD–9–CM codes and noted this should be a relatively simple approach that most hospitals should be able to use. The commenter thought this approach would likely be over-inclusive regarding orphan drug transactions, so there would be a low risk of non-compliance. One hospital said it would be difficult, but it would be able to mine data from clinical systems to support an audit trail to comply with the recordkeeping requirements. A few commenters recognized there will be expenses involved in complying with the recordkeeping requirements of § 10.21(c), but believed the costs would be more than offset by realized savings. A few covered entity commenters mentioned they would be ready and willing to respond to government or government-approved manufacturer audit requests, as described under proposed § 10.21(c).

Response: HRSA believes that maintaining auditable records and tracking the use of orphan drugs by indication is achievable. The rule continues to recognize that participation in the 340B Program is voluntary and allows covered entities to determine whether to participate. Likewise, covered entities that are unable or unwilling to respond to an appropriate audit request should not participate in the 340B Program. In addition, covered entities can propose alternative tracking systems for approval by HRSA on a case-by-case basis. While not applicable to all covered entities, HRSA believes the benefits of purchasing orphan drugs in the 340B Program will typically outweigh the costs of implementing these systems.

Comment: Many commenters pointed out that diagnosis codes and other information are not readily available for prescriptions handled in the retail setting. Concerned that resulting costs in the retail setting could outweigh the benefits of participation in the 340B Program, commenters asked HRSA to create alternatives and take the necessary steps in developing the final rule to make certain covered entities have a chance of participating and benefitting from the 340B Program.

Response: HRSA recognizes that these new requirements will require additional procedures and system capabilities. The affected hospitals will need to determine how they will meet these requirements and the cost of ensuring compliance with this rule. HRSA will continue to work with the covered entities to which this provision applies to provide information and technical assistance to find efficient and effective means of participating in the 340B Program. HRSA guidelines (59 FR 25113 (May 13, 1994)) allow the covered entity discretion to develop an alternative system, short of tracking each discounted drug through the purchasing and dispensing process, to prove compliance. If an alternate system of tracking is proposed, it must be approved by HRSA. Each alternate system of compliance will be reviewed on a case-by-case basis (59 FR 25113 (May 13, 1994)). Under § 10.21(c), affected covered entities that cannot or do not wish to maintain auditable records sufficient to demonstrate compliance with this rule, must purchase all orphan drugs, regardless of indication, outside of the 340B Program.

Comment: Many commenters suggested, as an alternative in both hospital and retail settings, that HRSA allow entities to conduct a retrospective review or track historical utilization of orphan drugs as a proxy for current utilization rather than a drug-by-drug analysis. Commenters suggested that covered entities would submit these alternative tracking systems to HRSA for advance approval and said a flexible approach would help ensure broader participation in the 340B Program while maintaining program integrity. One commenter suggested HRSA could limit the burdens by requiring covered entities to maintain records of orphan drugs that are actually used for the orphan indication rather than tracking all uses since orphan drug use is rare by definition.

Response: HRSA believes the legislative language permits an orphan drug to be dispensed only for a non-orphan condition under the 340B Program. In order to ensure compliance, the entity must maintain auditable records sufficient to demonstrate compliance with this rule. A proxy for current utilization will not meet auditable records compliance requirements to determine if the orphan drugs are used for a rare disease or condition. However, HRSA is amenable to alternate recordkeeping systems that would permit such analysis.

Comment: One commenter expressed concern about whether covered entities could comply with proposed § 10.21(c), without additional guidance from HRSA. For instance, the commenter noted that FDA's Web site does not include National Drug Codes (NDCs) for orphan products, and said that HRSA should provide guidance regarding whether all drugs appearing on the FDA orphan drug list would be eligible for purchase for off-label uses.

Response: HRSA believes that the rule provides sufficient direction for covered entities to identify drugs that are subject to the orphan drug provision and will provide additional assistance as appropriate. The rule specifies the circumstances under which an orphan drug meets the definition of covered drug for the purposes of the 340B Program. This information can be accessed by the public at *http://www.accessdata.fda.gov/scripts/opdlisting/oopd/index.cfm*. Because of the need for recordkeeping and tracking by covered entities which are limited in purchasing orphan drugs for rare conditions, the 340B Program will use the FDA's list of drugs on a quarterly basis. HRSA will publish on its public Web site FDA's section 526 list of drugs on the first day of the month prior to the end of the calendar quarter to govern the following quarter's purchases. Manufacturers and covered entities will use HRSA's published orphan drug list to determine whether a drug is designated under section 526 of the

FFDCA and, if so, the rare indication for which it is designated.

Comment: One wholesaler noted its position in the middle of the supply chain would likely make it necessary to institute additional compliance activities and/or offer additional assistance to covered entities to help them meet their compliance responsibilities under proposed § 10.21(c). The wholesaler noted this could add costs to its daily operations.

Response: HRSA encourages all stakeholders to develop mechanisms to ensure efficiency and compliance. HRSA will continue to provide technical assistance to stakeholders regarding compliance requirements and implementation of this rule.

Comment: Some commenters expressed that the proposed rule failed to address compliance issues and enforcement of hospital noncompliance. One commenter asserted that manufacturers would be unable to audit covered entities' compliance with section 340B(e) until existing audit guidelines are amended through a notice and comment process.

Response: The rule interprets the meaning of section 340B(e) of the PHSA and makes clear that failure to comply is treated as a failure to comply with the prohibition on transferring drugs to individuals other than patients of the entity under section 340B(a)(5)(B) of the PHSA. This is consistent with previous guidance issued by the Department after notice and comment (59 FR 25113 (May 13, 1994)), which indicates that use of 340B discounted drugs in excluded services (*e.g.,* inpatient setting, ineligible site) is drug diversion and therefore violates section 340B(a)(5)(B) of the PHSA. The current manufacturer audit guidelines (61 FR 65406 (December 12, 1996)) apply to violations of section 340B(a)(5)(B) of the PHSA, and therefore manufacturers have the ability to audit covered entities' compliance with the orphan drug provision pursuant to those guidelines. A hospital's non-compliance with the requirements of this rule will be pursued by the Department similarly to any other violation of sections 340B(a)(5)(A) and 340B(a)(5)(B). HRSA has instituted audits of covered entities, and in future audits, HRSA will include a review of covered entities' auditable records that demonstrate compliance with this regulation, where applicable. In addition, HRSA permits manufacturer audits of covered entities in which the manufacturer demonstrates reasonable cause that the entity is violating statutory prohibitions against duplicate discounts (340B(a)(5)(A)) or diversion (340B(a)(5)(B)).

Comment: Some commenters asserted that, at the time of purchase, a given drug's indication will be unknown and that after the drug is used it will be impossible, under current coding procedures, to determine whether the drug was used for a rare indication or otherwise.

Response: In those cases where a covered entity cannot comply with the requirement to maintain auditable records demonstrating compliance with the orphan drug rule, the rule states the covered entity must purchase all orphan drugs, regardless of indication, outside the 340B Program to ensure compliance. Prior to purchasing orphan drugs, an entity is required to notify HRSA if it is able to comply with this rule and if it will be purchasing all orphan drugs outside the 340B Program. HRSA will add this information for relevant entities to its public Web site so stakeholders are aware of a covered entity's purchasing practices under this rule. Covered entities will have the option of either developing additional documentation, using drugs purchased outside 340B, or developing an alternative method of compliance. Alternate tracking systems will be reviewed for approval by HRSA on a case-by-case basis (59 FR 25113 (May 13, 1994)).

Comment: Several manufacturers asserted that the proposed rule would require manufacturers to participate in a complex new framework in which they would have to sell their orphan drugs to newly-eligible entities through two different accounts; determine whether particular sales were going through proper accounts; monitor the newly-eligible entities, in an effort to ensure that their 340B purchases of orphan drugs were limited to circumstances where the drugs were ultimately used for non-orphan indications; and reduce the risks of payment error by attempting to educate the newly-eligible entities about the rare disease(s) for which the manufacturer's orphan drugs were designated and how those diseases should be identified on claims forms. In the aggregate, the costs of performing these various new functions (including costs of personnel, data systems, services of relevant consultants, *etc.*) would be significant, and would drain resources from tasks central to the company's mission.

Response: The regulation does not create new requirements or mandatory functions for manufacturers that participate in the 340B Program. The 340B Program already includes circumstances where covered entities purchase a drug from the manufacturer both inside and outside of the 340B Program (*e.g.,* drugs that may be either inpatient or outpatient, drugs subject to Medicaid rebate claims, drugs for individuals not eligible as patients).

3. Best Price

Comment: Several manufacturers commented that HRSA cannot require manufacturers to sell orphan drugs to the newly-eligible entities at 340B prices until CMS issues guidance confirming explicitly that sales of orphan drugs to newly-eligible entities at (or below) 340B prices are exempt from Medicaid Best Price determinations.

Response: HRSA does not believe that compliance with the 340B Program is contingent upon implementing regulations expressly addressing the effect on Medicaid Best Price for orphan drugs. As provided under section 340B(a)(10) of the PHSA, the law does not prohibit manufacturers from charging a price for a drug that is lower than the maximum price that may be charged under section 340B(a)(1). CMS has the authority to issue regulations on the Medicaid best price exemption. In the absence of specific guidance, manufacturers may make reasonable assumptions in their calculations, consistent with the general requirements and intent of section 1927 of the Social Security Act, Federal Regulations, the Medicaid drug rebate agreement, and their customary business practices.

4. Must Offer

Comment: One commenter asserted that the proposed rulemaking represents an impermissible attempt to implement the ''must offer'' provision of the Affordable Care Act and that the ''must offer'' provision can only be implemented if it is written into the PPA. Section 340B(a)(1) of the PHSA indicates that the PPA shall require ''. . . that the manufacturer offer each covered entity covered outpatient drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.'' Several other manufacturers commented on the must offer provision and expressed concerns about how that language would be implemented. One commenter argued that section 340B(a)(1) of the PHSA, as amended by the Affordable Care Act to require manufacturers to ''offer each covered entity covered drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price,'' means that manufacturers ''must sell'' orphan drugs to covered entities under the terms of

the statute, as interpreted by HRSA in the proposed rule.

Response: This regulation is not dependent upon implementation of the ''must offer'' provision, and even if it were, this regulation would be a permissible implementation of that provision. Long before the recent inclusion of the ''must offer'' provision in the 340B statute by the Affordable Care Act, the Department has consistently held that manufacturers may not single out covered entities from their other customers for restrictive conditions that would undermine the statutory objective, and that manufacturers must not place limitations on transactions which would have the effect of discouraging entities from participating in the program (59 FR 25113 (May 13, 1994)). This would include a requirement that manufacturers offer drugs at the 340B discount to 340B covered entities on the same basis as its other customers. A refusal to offer orphan drugs to a 340B covered entity on the basis of 340B Program participation would violate the 340B statutory requirements.

Section 340B(e) of the PHSA does not alter a manufacturer's obligation to sell covered outpatient drugs at no greater than the ceiling price to the designated covered entities. In addition, the ''must offer'' provision would not need to be specifically written into the PPA prior to taking effect. As the U.S. Supreme Court recently confirmed (Astra USA v. Santa Clara County, 131 S.Ct. 1342 (2011)), PPAs are not transactional, bargained-for contracts, but simply serve as the means by which drug manufacturers opt into the statutory framework of the 340B Program.

5. GPO Prohibition

Comment: Several manufacturers commented that the proposed rule permitting the use of a GPO to purchase orphan drugs when used for the orphan designated purpose was contrary to statute and stated that there were no statutory exceptions to the GPO prohibition. Several manufacturers expressed the view that the proposed rule's treatment of the GPO prohibition as applied to free-standing cancer hospitals was inconsistent with prior application and would substantially undermine the GPO prohibition.

Response: Section 340B(a)(4)(L)(iii) of the PHSA requires certain hospitals participating in the 340B Program to ''not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement.'' The 340B statute prevents disproportionate share hospitals, children's hospitals, and free-standing cancer hospitals from obtaining covered outpatient drugs through a GPO. Of those entities, only free-standing cancer hospitals are impacted by the orphan drug exclusion. In this final rule, free-standing cancer hospitals are permitted to use a GPO to purchase orphan drugs only when they are transferred, prescribed, sold, or otherwise used for the rare condition or disease for which that orphan drug was designated under section 526 of the FFDCA, as these drugs are not covered outpatient drugs for these hospitals for purposes of the 340B Program. If the free-standing cancer hospital chooses to use a GPO for purchasing orphan drugs when used for a rare disease or condition for which it was designated, it is required to maintain auditable records that demonstrate full compliance with orphan drug purchasing requirements and limitations. If a free-standing cancer hospital does not have the necessary tracking systems in place to ensure compliance with the GPO prohibition for the use of orphan drugs in non-designated situations, it must purchase all orphan drugs, regardless of indication, through a separate purchasing account outside of the 340B Program and would not be permitted to use a GPO for any of those drugs. HRSA agrees that a free-standing cancer hospital prohibited from using a GPO under the 340B Program should not use a GPO for the purchase of all orphan drugs if the hospital cannot or is unwilling to create auditable records concerning orphan drug purchases. Allowing a free-standing cancer hospital to purchase all of its orphan drugs through GPOs would, in effect, allow hospitals to purchase orphan drugs that are included in the definition of ''covered outpatient drugs,'' which is prohibited. The rule has been amended to reflect this distinction.

Comment: Entities and their stakeholder groups generally supported proposed § 10.21(d), which allows a free-standing cancer hospital that decides not to use 340B for orphan drugs to purchase orphan drugs through a GPO instead. One commenter explained that HRSA has the legal authority to interpret the GPO prohibition provision flexibly to permit a free-standing cancer hospital to use a GPO for all orphan drugs if it decides not to track non-orphan use. The commenters stated that this approach provides cancer hospitals, which use a much higher volume of orphan drugs than other affected covered entities, flexibility as they evaluate their compliance options.

Response: HRSA disagrees with the commenters who state that HRSA has the flexibility to permit a free-standing cancer hospital to use a GPO for all orphan drugs if it decides not to track non-orphan use. Under this assertion, the free-standing cancer hospital could use a GPO for any orphan drug, whether used for a common condition or used for the orphan designation. However, as noted above, the statute is clear that certain entities, including a free-standing cancer hospital, cannot use a GPO for obtaining covered outpatient drugs. HRSA has concluded that the statute does not permit the commenter's proposed alternative because orphan drugs being used for non-rare indications are covered outpatient drugs and included in the 340B Program. While HRSA recognizes that the volume of drugs utilized by a free-standing cancer hospital is substantial, and such a hospital has the desire to minimize administrative burden, it does not change the definition of covered outpatient drug for purposes of the GPO prohibition. A hospital can choose not to enroll in the 340B Program if it calculates that the benefits are not sufficient given the program requirements to track purchases.

6. Impact on Orphan Drug Incentives

Comment: Several manufacturers expressed that the proposed rule would significantly undermine financial benefits for manufacturers by sharply reducing economic incentives for the manufacturing of therapies to treat rare diseases. In contrast, other commenters suggest that the rule as proposed would upset the balance in the marketplace by creating incentives for the manufacturer to seek the development of drugs for rare diseases or conditions.

Response: This rule implements the PHSA statute for the 340B Program. It does not, nor does HRSA have the authority, to alter the statutory incentives for orphan drug development under the FFDCA. Manufacturers that seek orphan-drug designations for rare diseases under the FFDCA continue to receive the full statutory benefits for those designations under this rule. The incentives provided to manufacturers of orphan drugs are specific to an orphan drug designation for a rare disease or condition.

Comment: Some covered entity commenters assert that the orphan drug exclusion, as proposed, follows the spirit of the 340B Program, providing new entities access to the program while preserving financial incentives for manufacturers. According to these comments, the proposed rule is consistent with the FDA's approach of

tying tax credits, market exclusivity, orphan drug research grants, user fee exemptions, and other orphan drug incentives to orphan drug indications. One commenter pointed out that the exclusion of orphan drugs from 340B pricing for certain newly-eligible entities is, in effect, yet another incentive to promote investment in drugs for the diagnosis or treatment of rare diseases or conditions. This commenter believes the incentive is properly limited to orphan drugs when used for a rare disease or condition and is consistent with Congressional intent that the 340B orphan drug exclusion protect those drugs used for orphan diseases and populations.

Response: HRSA agrees that the orphan drug exclusion as outlined in this regulation follows the intent of the 340B Program by providing the newly added entities access to the program benefits while preserving financial incentives for manufacturers to develop orphan drugs for rare diseases or conditions.

7. Impact on Covered Entities

Comment: All of the comments from covered entities and their stakeholder groups concurred with HRSA's estimate that the proposed rule would result in a net savings for affected covered entities. Some said the savings would be difficult to quantify, but one commenter noted that orphan drugs made up only 1.5 percent of their pharmacy inventory last year, but accounted for 52 percent of inventory costs. Many comments from covered entities provided HRSA with estimates of potential savings estimated to be between $360,000 and $3,000,000 annually. All of the commenters said that significant savings from the 340B Program are needed to safeguard the financial stability of safety-net providers and allow them to extend improved care to their patients. Another said the funds saved on orphan drugs through the 340B Program are desperately needed to help patients in rural communities. A few commenters said that a broad interpretation of the exclusion that includes drugs used for non-rare indications would so substantially reduce program savings so as to make the overall costs outweigh the benefits of 340B participation.

Response: HRSA continues to believe that although difficult to estimate with specificity, the final rule strikes the appropriate balance between providing 340B covered entity legislatively-required discounts, while preserving the incentives of manufacturers to continue to produce orphan drug products for rare diseases and conditions. The final rule is expected to benefit the affected covered entities by establishing certainty as to the applicability of the exclusion and ensuring the option of continued access to drugs that, although designated as orphan drugs for certain indications, are approved for broader uses.

8. Impact on Patient Populations

Comment: Some comments from manufacturers and manufacturer groups expressed the view that the proposed rule would threaten the well-being of vulnerable populations by decreasing access to needed orphan drugs by delaying the purchase and dispensing of medications due to the need to do so on an indication basis.

Response: Hospitals that participate in the 340B Program are already required to manage drug purchases to ensure that drugs used in the 340B Program are for outpatient purposes only. Participation in the 340B Program is voluntary and covered entities are not prohibited under section 340B from purchasing drugs outside of the 340B Program. Covered entities are never encouraged to delay dispensing drugs in any manner that would threaten the health and safety of a patient.

Comment: Some manufacturers expressed that the proposed rule would jeopardize the economic viability of a product by substantially reducing its commercial marketplace.

Response: HRSA believes that the final rule's interpretation best meets the intent of Congress in the enactment of section 340B(e) of the PHSA, and that implementation of this rule will not result in jeopardizing the economic viability of orphan drug products. The impact of this final rule is narrowed by the fact that the orphan drug exclusion only applies to a subset of newly-eligible entities which are expected to make up a small percentage of the total purchases of covered outpatient drugs through the 340B Program. Covered entity drug purchases under the entire 340B Program are estimated at $6 billion, making up an estimated 2 percent of the total prescription drug market. In fiscal year 2012, the covered entities to which this rule applies comprised an estimated 3.13 percent of total 340B sales for all covered entities. The purchase of orphan drugs would be a subset of these purchases. All other eligible 340B entities may purchase orphan drugs for any disease or condition.

Comment: Several entities commented that they use the additional savings from the purchase of orphan drugs for non-orphan indications at 340B pricing to benefit their patients and communities. One called the proposal an important step in supporting access and comprehensive provision of healthcare for millions of Americans. Certain comments from the four most recently eligible entities noted specific plans to use savings to expand pharmacy services, reduce medication costs for the neediest patients, provide medication therapy management services, and reduce readmission rates at their institutions. Several commenters said they needed the benefits of 340B Program participation to help offset the costs of uncompensated care they provide to their communities each year. One comment asserts the inability of covered entities to obtain orphan drugs under the 340B Program would have a huge negative impact on the ability of patients to treat their diseases when these drugs become too expensive and unattainable.

Response: HRSA believes that this rule's interpretation provides clarity in the marketplace, reflects the intent of Congress to maintain the 340B savings for newly-eligible covered entities, and protects the financial incentives for manufacturing orphan drugs designated for a rare disease or condition.

9. Effective Date/Application on Past vs. Prospective

Comment: Some manufacturers commented that the rule should only be applied prospectively. One stated that a good faith interpretation prior to the finalization of a regulation should be allowed to stand. Some stated that applying the standard to prior sales would be inappropriate and administratively burdensome.

Response: HRSA agrees that attempting to apply the final rule retrospectively would be administratively burdensome and difficult to implement for all stakeholders. The final rule will only apply prospectively.

10. Miscellaneous

Comment: One commenter asked HRSA to clarify how the rule would apply to contract pharmacies of affected covered entities. In particular, the commenter asked HRSA to allow covered entities to use a different compliance approach at their main and contract facilities. Under this scenario, the main facility would maintain auditable records to show compliance under § 10.21(c), while a satellite facility using a contract pharmacy would be allowed not to comply with the recordkeeping requirements and purchase all orphan drugs outside the 340B Program.

Response: Covered entities and their contract pharmacies are required to

keep auditable records and provide them upon either HRSA's request or upon a government-approved manufacturer audit request, provided that audit request directly pertains to the covered entity's compliance with section 340B(e) of the PHSA. Contract pharmacies are under the same compliance requirements with this rule as a covered entity. Affected covered entities with contract pharmacies that cannot or do not wish to maintain auditable records sufficient to demonstrate compliance with this rule, must purchase all orphan drugs, regardless of indication, outside the 340B Program. A covered entity that is listed on the 340B database and compliant with the auditable records requirement for orphan drugs purchased under 340B can have an outpatient facility that chooses not to comply with the recordkeeping requirement if the outpatient facility makes all of its orphan drug purchases outside the 340B Program.

A covered entity that cannot or does not wish to maintain auditable records sufficient to demonstrate compliance with this rule, must inform HRSA and purchase all orphan drugs outside of the 340B Program regardless of the indication for which the drug is used. Once a hospital is enrolled in 340B, it may change its decision to purchase all orphan drugs outside of the 340B Program on a quarterly basis by notifying HRSA.

Comment: One manufacturer requested that HRSA clarify that covered entities that lose their eligibility for the 340B Program are not permitted to participate while seeking to meet eligibility requirements.

Response: Once a covered entity is no longer eligible for the 340B Program and removed from the 340B public database, that entity is not eligible to purchase 340B drugs.

IV. Economic and Regulatory Impact

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, or reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant action'' under section 3(f) of Executive Order 12866. The rule has been reviewed by the Office of Management and Budget.

Impact of the New Rule

Analysis of Impacts

HHS has examined the impact of this final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). By way of background, the requirement that all covered entities maintain auditable records of 340B purchases is mandated by statute (340B(a)(5)(C) of the PHSA) and pre-dates this rule. Therefore, this regulation does not increase the burden of tracking or making available auditable records of 340B drug purchases not impacted by the orphan drug exclusion.

This regulation does implement a revision to the preexisting statutory recordkeeping requirement by necessitating that newly covered entities listed in § 10.21(b) be responsible for ensuring that any orphan drugs purchased through the 340B Program are not transferred, prescribed, sold, or otherwise used for the rare condition or disease for which the orphan drugs are designated under section 526 of the FFDCA. A newly covered entity will be required to declare whether it will purchase orphan drugs under 340B in its initial application, annual recertification, or change request. Only when a newly covered entity can maintain and provide auditable records that track the indication for 340B purchases of orphan drugs, will the entity be in compliance with this regulation. Tracking the indication for orphan drugs may increase the administrative burden of utilizing orphan drugs under the 340B Program. HRSA has no data or experience to employ in projecting a burden estimate in these cases.

Our approach at implementation complies with statutory requirements while giving covered entities the flexibility to develop an alternative system of compliance (which must be approved by the Secretary) or decide not to use orphan drugs under the statute should they determine the burden to be excessive. Finally, none of the comments received provided a less burdensome alternative that meets the existing statutory requirements or provided information to quantify the burden under the Paperwork Reduction Act.

The Regulatory Flexibility Act (RFA) requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. For purposes of the regulatory flexibility analysis, we consider all health care providers to be small entities either by virtue of meeting the SBA size standard for a small business, or for being a nonprofit organization that is not dominant in its market. The current SBA size standard for health care providers ranges from annual receipts of $7 million to $34.5 million. States and individuals are not considered small entities under the RFA.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before promulgating any final rule that includes any Federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year. The current threshold after adjustment for inflation is $139 million, using the most current (2011) Implicit Price Deflator for the Gross Domestic Product. HHS does not expect this final rule to result in any 1-year expenditure that would meet or exceed this amount.

In accordance with Executive Order 12866, we analyzed the potential economic effects of the proposed rule. As stated above, we are unable to quantify either the costs or the benefits of the final rule. However, we expect the benefits to exceed the costs as explained below.

HHS has reviewed this final rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' This rule would not ''have substantial direct effects on the states, or on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.''

The requirements set forth in this final rule will not adversely affect the following family elements: family safety, family stability, marital commitment; parental rights in the education, nurture and supervision of their children; family functioning, disposable income or poverty; or the behavior and personal responsibility of youth, as determined under section 654(c) of the Treasury and General Government Appropriations Act of 1999.

A. Costs, Benefits and Transfer Effects of the Regulation

1. Impact on Covered Entities

The final rule provides covered entities with clarity on the meaning of section 340B(e) of the PHSA and

provides flexibility in making purchasing decisions. Under the final rule, covered entities will have the choice to either purchase a drug with an orphan designation under the FFDCA outside of the 340B Program or to purchase such drugs under the 340B Program while maintaining auditable records required under section 340B(a)(5)(C) of the PHSA that show that such drugs are not used for an orphan drug indication. HHS is not able at this time to estimate the costs of showing compliance for those affected entities that choose to purchase orphan drugs under 340B. However, as of April 1, 2013, 967 parent facilities and 2212 outpatient/child sites of the four types of affected entities are enrolled. Affected entities make up 10.3 percent of all covered entity types.

HHS has received anecdotal information suggesting that, absent this final rule, some manufacturers have refused to offer any orphan drugs for any indication under 340B to the newly-affected covered entities. By clarifying that such actions are inconsistent with drug manufacturers' participation agreements related to the 340B Program, the final rule is expected to increase affected covered entities' access to 340B price reductions on orphan drugs when those drugs are used for indications other than those for which the drug received an orphan drug designation. HHS does not have sufficient information to make a comprehensive assessment.

The total amount in reduced expenditures of drugs resulting from this rule depends on market activity absent this regulation, compared with market activity following promulgation of this final rule. We have estimates that the orphan drug market as a whole for both inpatient and outpatient services is approximately $40 billion. In general, covered entity purchases under the entire 340B Program are estimated at $6 billion and make up an estimated 2 percent of the total prescription drug market. The only covered entities impacted by this final rule are the entities listed in 340B(e). In fiscal year 2012, these covered entities only made up an estimated 3.13 percent of total 340B sales for all covered entities. The purchase of orphan drugs would be a subset of these purchases.

The savings for entities purchasing under 340B varies considerably, with savings as high as 50 percent. HHS estimates that the final rule will help ensure sales at or below the 340B ceiling price in 50 to 75 percent of such sales to the newly-eligible entities where orphan designated drugs are used for an indication other than the rare disease or indication for which the orphan drug received its designation. Based upon these estimates, HHS projects that the final rule may result in a $6 to $9 million reduction in the cost to acquire drugs by the affected covered entities versus what these affected entities are paying to orphan drug manufacturers without the proposed rule for the purchase of these drugs for non-rare indications. HHS does not have sufficient data on the breakout of inpatient versus outpatient drug use. This cost reduction would be less if outpatient purchases by these covered entities were significantly less than inpatient purchases (*e.g.,* if outpatient drugs were 50 percent of orphan drug purchases, then the cost reduction would only be $10 to $15 million). While concrete estimates cannot be provided, HHS concludes that this rule will result in a net economic benefit to the affected covered entities. This conclusion is based upon the assumption that the final rule will result in greater access to 340B pricing on drugs that have an orphan designation and are being purchased for non-rare uses, than without the rule, on the grounds that the flexibility provided to covered entities will permit them to utilize the program only where there is a net economic benefit. Without a rule, there would be continued uncertainty and variability with a general tendency among many manufacturers to broadly interpret the exclusion which would minimize or eliminate savings to the covered entities.

2. Impact on Participating Manufacturers

The final rule creates no new reporting or record-keeping requirements for manufacturers that have a 340B PPA with the Secretary. The final rule clarifies section 340B(e) to assist manufacturers in complying with their statutory responsibilities. As noted above, by definition, all 340B drugs must have marketing approval for at least one indication. There are approximately 390 drugs that have been approved by the FDA for rare diseases and conditions. There is relatively little quantitative data published on the orphan drug sector and the data published emphasizes approval for rare indications. Data currently publicly available from the FDA on orphan designated drugs tends to focus on approval for rare indications as opposed to non-rare indications. Of those drugs, only those used for outpatients and for non-rare indications are eligible for purchase under the 340B Program. The pharmaceutical manufacturers of these orphan designated drugs with at least one marketing approval will be affected by this rule.

The impact of this final rule is narrowed by the fact that the orphan drug exclusion only applies to a subset of newly-eligible rural hospitals, critical access hospitals, and free-standing cancer hospitals which in fiscal year 2012, made up an estimated 3.13 percent of total 340B sales for all covered entities. The overall economic impact is therefore difficult to estimate. In general, having a drug subject to the 340B ceiling price provides a cost savings to the purchasing covered entities and, if the drug would have otherwise been purchased at higher cost, a loss of that additional revenue to the manufacturer. The impact of this rule would vary considerably from drug to drug, depending on such factors as the level of utilization of drugs with orphan designations by the affected covered entities for non-rare indications, the elasticity of demand by the affected patient population, and the availability and cost of alternative treatments. Such anticipated cost savings and revenue losses would not occur when orphan designated drugs are purchased for their designated rare uses.

3. Impact on other Parties

HHS has concluded that this final rule will not have a significant impact on those third party firms that do business with covered entities and drug manufacturers. To the extent that third parties are indirectly affected, HHS estimates that this will result in lowered cost due to increased certainty in the market place and reduced likelihood of disputes as to whether a covered entity was properly charged, and decrease the number of disputes between wholesalers and manufacturers.

B. Regulatory Flexibility Analysis

The final rule provides flexibility for the affected covered entities while supporting all statutory requirements. Alternative interpretations of section 340B(e) would reduce flexibility for covered entities, and particular smaller covered entities, and potentially undermine the addition of entities added to section 340B(a)(4) by the Affordable Care Act, by making it less economically feasible for these entities to participate.

Paperwork Reduction Act

The final rule contains information-collection activities for certain covered entities that voluntarily choose to purchase designated orphan drugs by requiring them to establish internal data systems to ensure compliance with the statute. The information collection

requirements will assist covered entities in maintaining program integrity and compliance with the requirements in Section 340B of the PHSA. The existing information collection activities are based on data collection requirements approved by the Office of Management and Budget (OMB No. 0915–0176 and OMB No. 0915–0327). The new statutory orphan drug requirements will necessitate an additional level of data to include the indication for which the orphan drug was prescribed or used.

In some cases the existing systems may include sufficient information to determine the indication for which the drug was used, in other cases new systems will need to be developed if the covered entity chooses to purchase orphan drugs under 340B. The administrative burden of making this change is difficult to estimate and no comments were received to assist us in doing so.

The final rule references statutory requirements to maintain auditable records sufficient to demonstrate program requirements. As required by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3507(d)), a copy of this final rule was submitted to the Office of Management and Budget for its review of the collection of information.

Dated: May 20, 2013.

Mary K. Wakefield,

Administrator, Health Resources and Services Administration.

Approved: July 15, 2013.

Kathleen Sebelius,

Secretary.

List of Subjects in 42 CFR Part 10

Biologics, Business and industry, Diseases, Drugs, Health, Health care, Health facilities, Hospitals, Orphan drugs, 340B Drug Pricing Program.

For the reasons stated in the preamble, the Department of Health and Human Services, Health Resources and Services Administration adds 42 CFR part 10 to subchapter A to read as follows:

PART 10—340B DRUG PRICING PROGRAM

Sec.

Subpart A—General Provisions

10.1 Purpose.
10.2 Summary of 340B Drug Pricing Program.
10.3 Definitions.

Subpart B—Eligibility To Purchase 340B Drugs

10.10 Entities eligible to participate in the 340B Drug Pricing Program.

Subpart C—Drugs Eligible for Purchase under 340B

10.20 Drugs eligible for purchase Under 340B.
10.21 Exclusion of orphan drugs for certain covered entities.

Authority: Sec. 340B of the Public Health Service Act (42 U.S.C. 256b), as amended; Sec. 215 of the Public Health Service Act (42 U.S.C. 216), as amended; Sec. 526 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 360bb); Sec. 701(a) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 371(a)); Sec. 1927 of the Social Security Act, as amended (42 U.S.C. 1396r–8).

Subpart A—General Provisions

§ 10.1 Purpose.

This part implements section 340B of the Public Health Service Act (PHSA) ''Limitation on Prices of Drugs Purchased by Covered Entities.''

§ 10.2 Summary of 340B Drug Pricing Program.

Section 340B of the PHSA instructs the Secretary of Health and Human Services to enter into agreements with manufacturers of covered drugs under which the amount required to be paid to these manufacturers by certain statutorily-defined entities does not exceed the average manufacturer price for the drug under title XIX of the Social Security Act (SSA) reduced by a rebate percentage which is calculated as indicated in 340B(a)(1) and 340B(a)(2)(A). Manufacturers participating in the 340B Drug Pricing Program (340B Program) are required to provide these discounts on all covered outpatient drugs sold to participating 340B covered entities.

§ 10.3 Definitions.

Ceiling price means the maximum statutory price established under section 340B(a)(1) of the PHSA.

Covered entity means an entity that meets the requirements under section 340B(a)(5) of the PHSA and is listed in section 340B(a)(4) of the PHSA.

Covered outpatient drug has the meaning set forth in section 1927(k) of the SSA.

Group purchasing organization (GPO) is an entity that contracts with purchasers, such as hospitals, nursing homes, and home health agencies, to aggregate purchasing volume and negotiate final prices with manufacturers, distributors, and other vendors.

Manufacturer has the same meaning as set forth in section 1927(k)(5) of the SSA.

Orphan drug means a drug designated by the Secretary under section 526 of the Federal Food, Drug, and Cosmetic Act (FFDCA).

Participating drug manufacturer means a manufacturer that has entered into a Pharmaceutical Pricing Agreement with the Secretary.

Pharmaceutical Pricing Agreement (PPA) means an agreement described in section 340B(a)(1) of the PHSA.

Secretary means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

Section 340B means section 340B of the PHSA.

Subpart B—Eligibility To Purchase 340B Drugs

§ 10.10 Entities eligible to participate in the 340B Drug Pricing Program.

Only organizations meeting the definition of a covered entity and listed on the 340B database are eligible to purchase covered outpatient drugs under the 340B Program. A covered entity remains responsible for complying with all other 340B requirements and applicable Federal, state, and local laws.

Subpart C—Drugs Eligible for Purchase Under 340B

§ 10.20 Drugs eligible for purchase under 340B.

The definition of a covered outpatient drug has the meaning given to such term in section 1927(k)(2) of the SSA except as provided in § 10.21 of this part.

§ 10.21 Exclusion of orphan drugs for certain covered entities.

(a) *General.* For the covered entities described in paragraph (b) of this section, a covered outpatient drug does not include orphan drugs that are transferred, prescribed, sold, or otherwise used for the rare condition or disease for which that orphan drug was designated under section 526 of the FFDCA. A covered outpatient drug includes drugs that are designated under section 526 of the FFDCA when they are transferred, prescribed, sold, or otherwise used for any medically-accepted indication other than treating the rare disease or condition for which the drug was designated under section 526 of the FFDCA.

(b) *Covered entities to which the orphan drug exclusion applies.* (1) The exclusion of orphan drugs when used to treat the rare disease or condition for which the drug was designated under section 526 of the FFDCA from the definition of covered outpatient drugs described in paragraph (a) of this

section shall only apply to the following covered entities: free-standing cancer hospitals qualifying under section 340B(a)(4)(M) of the PHSA, critical access hospitals qualifying under section 340B(a)(4)(N) of the PHSA, and rural referral centers and sole community hospitals qualifying under section 340B(a)(4)(O) of the PHSA. The exclusion does not apply to the remaining covered entities that meet the 340B Program eligibility requirements.

(2) When an entity described in this paragraph (b) meets more than one eligibility criterion as a covered entity, the entity shall select its eligibility type and notify the Secretary. These eligible entities are limited to participating in the 340B Program under only one covered entity hospital type and shall abide by all applicable restrictions and requirements for that entity type. A covered entity subject to this provision may only change its participation type to another hospital entity type on a quarterly basis upon express written confirmation from the Secretary.

(c) *Covered entity responsibility to maintain records of compliance.* (1) A covered entity listed in paragraph (b) of this section is responsible for ensuring that any orphan drugs purchased through the 340B Program are not transferred, prescribed, sold, or otherwise used for the rare condition or disease for which the orphan drugs are designated under section 526 of the FFDCA. A covered entity listed in paragraph (b) of this section that purchases orphan drugs under the 340B Program is required to maintain and provide auditable records on request which document the covered entity's compliance with this requirement available for audit by the Federal Government or, with Federal Government approval, by the manufacturer.

(2) A covered entity may develop an alternative system by which it can prove compliance. Any alternate system must be approved by the Secretary prior to implementation. Each alternate system of compliance will be reviewed on a case-by-case basis.

(3) A covered entity listed in paragraph (b) of this section that cannot or does not wish to maintain auditable records sufficient to demonstrate compliance with this rule, must notify HRSA and purchase all orphan drugs outside of the 340B Program regardless of the indication for which the drug is used. Once a hospital is enrolled in 340B, it may change its decision to purchase all orphan drugs outside of the 340B Program on a quarterly basis by notifying HRSA.

This documentation will be made public. This information will also be verified during the annual recertification process.

(d) *Use of group purchasing organizations by a free-standing cancer hospital.* (1) A free-standing cancer hospital enrolled under section 340B(a)(4)(M) must also comply with the prohibition against using a GPO under section 340B(a)(4)(L)(iii) of the PHSA for the purchase of any covered outpatient drug.

(2) A covered entity that is a free-standing cancer hospital cannot use a GPO to purchase orphan drugs when they are transferred, prescribed, sold, or otherwise used for an indication other than the rare condition or disease for which that orphan drug was designated under section 526 of the FFDCA.

(3) A covered entity that is a free-standing cancer hospital may use a GPO for purchasing orphan drugs when orphan drugs are transferred, prescribed, sold, or otherwise used for the rare disease or condition for which it was designated under section 526 of the FFDCA.

(4) If a covered entity that is a free-standing cancer hospital chooses to use a GPO for purchasing an orphan drug used for a rare disease or condition for which it is designated, it is required to maintain auditable records that demonstrate full compliance with the orphan drug purchasing requirements and limitations. A free-standing cancer hospital covered entity that cannot or does not wish to maintain auditable records sufficient to demonstrate compliance, must notify HRSA and purchase all orphan drugs outside of the 340B Program, regardless of indication for which the drug is used, and is not permitted to use a GPO to purchase those drugs. Once a free-standing cancer hospital is enrolled in 340B, it may change its decision to purchase all orphan drugs outside of the 340B Program on a quarterly basis by notifying HRSA. This documentation will be made public. This information will also be verified during the annual recertification process.

(e) *Identification of orphan drugs.* Designations under section 526 of the FFDCA are the responsibility of and administered by the FDA. Only covered outpatient drugs that match the listing and sponsor of the orphan designation are considered orphan drugs for purposes of this section. HRSA will publish on its public Web site FDA's section 526 list of drugs that will govern the next quarter's purchases.

(f) *Failure to comply.* Failure to comply with this section shall be considered a violation of sections 340B(a)(5) and 340B(e) of the PHSA, as applicable.

[FR Doc. 2013–17547 Filed 7–22–13; 8:45 am]

BILLING CODE 4165–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[IB Docket No. 11–133; FCC 13–50]

Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission (Commission) is correcting a final rule that appeared in the **Federal Register** of July 10, 2013 (78 FR 41314). The document issued final rules that apply to foreign ownership of common carrier, aeronautical en route and aeronautical fixed radio station licensees.

DATES: Effective on August 9, 2013.

FOR FURTHER INFORMATION CONTACT: Susan O'Connell or James Ball, Policy Division, International Bureau, FCC, (202) 418–1460 or via the Internet at *Susan.OConnell@fcc.gov* and *James.Ball@fcc.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2013–15314 appearing on page 41314 in the **Federal Register** of Wednesday, July 10, 2013, the following corrections are made:

Subpart F—Wireless Radio Services Applications and Proceedings [Corrected]

■ 1. On page 41321, in the third column, the heading of the table of contents for §§ 1.990 through 1.994, ''Foreign Ownership of U.S.-Organized Entities That Control Common Carrier, Aeronautical en Route, And Aeronautical Fixed Radio Station Licensees'' is corrected to read ''Foreign Ownership of Common Carrier, Aeronautical en Route, And Aeronautical Fixed Radio Station Licensees''.

■ 2. On page 41322, in the first column, the undesignated center heading for §§ 1.990 through 1.994, ''Foreign Ownership of U.S.-Organized Entities That Control Common Carrier, Aeronautical en Route, And Aeronautical Fixed Radio Station Licensees'' is corrected to read ''Foreign Ownership of Common Carrier, Aeronautical en Route, And

Aeronautical Fixed Radio Station Licensees''.

§ 1.994 [Corrected]

■ 3. On page 41330, in the third column, in § 1.994(d), under the heading *Example (for rulings issued under § 1.990(a)(2)),* correct the second sentence by removing the open parenthesis at the beginning of the sentence, to read as follows: A U.S. citizen holds the remaining 52 percent equity and voting interests in U.S. Corporation A, and the remaining 51 percent equity and voting interests in Licensee are held by its U.S.-organized parent, which has no foreign ownership.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2013–17711 Filed 7–22–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 95–91; FCC 12–130]

Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the revised information collections for Satellite Digital Audio Radio Service (SDARS) terrestrial repeaters adopted in an *Order on Reconsideration* of the Commission's rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band,'' WT Docket No. 07–293, IB Docket No. 95–91 (FCC 12–130). This notice is consistent with the *Order on Reconsideration,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

DATES: The amendments to 47 CFR 25.263(b) and 25.263(c) published at 78 FR 9605, February 11, 2013, are effective July 23, 2013.

FOR FURTHER INFORMATION CONTACT: Stephen Duall, Satellite Division, International Bureau, at (202) 418–1103, or email: *stephen.duall@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on June 27, 2013, OMB approved, for a period of three years, the revised information collection requirements relating to the access stimulation rules contained in the Commission's *Order on Reconsideration,* FCC 12–130, published at 78 FR 9605, February 11, 2013. The OMB Control Number is 3060–1153. The Commission publishes this notice as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–1153, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on June 27, 2013, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR part 25.

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1153.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1153.

OMB Approval Date: June 27, 2013.

OMB Expiration Date: June 30, 2016.

Title: Satellite Digital Radio Service (SDARS).

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1 respondent; 54 responses.

Estimated Time per Response: 3–12 hours.

Frequency of Response: Annual and on-occasion reporting requirements; Recordkeeping requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in sections 4, 301, 302, 303, 307, 309, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 301, 302a, 303, 307, 309, and 332.

Total Annual Burden: 308 hours.

Total Annual Cost: $97,710.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because the information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

Privacy Act: No impact(s).

Needs and Uses: The Federal Communications Commission (''Commission'') received approval from the Office of Management and Budget (OMB) to revise OMB Control No. 3060–1153 to reflect new and/or modified information collections as a result of an Order on Reconsideration titled ''In the Matter of Amendment of part 27 of the Commission's rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band,'' WT Docket No. 07–293, IB Docket No. 95–91 (*FCC 12–130*).

On October 17, 2012, the Commission adopted and released an Order on Reconsideration that addressed five petitions for reconsideration of the 2010 WCS R&O and SDARS 2nd R&O. The petitions sought reconsideration or clarification of the Commission's decisions in the 2010 WCS R&O and SDARS 2nd R&O regarding the technical and policy rules governing the operation of WCS stations in the 2305–2320 MHz and 2345–2360 MHz bands and the operation of SDARS terrestrial repeaters in the 2320–2345 MHz band.

As part of the Order on Reconsideration, the Commission adopted proposals to relax the notification requirements for SDARS licensees under § 25.263(b) & (c) of the Commission's rules. As adopted in the 2010 WCS R&O and SDARS 2nd R&O, § 25.263(b) requires SDARS licensees to share with WCS licensees certain technical information at least 10 business days before operating a new

repeater, and at least 5 business days before operating a modified repeater. Under § 25.263(c), SDARS licensees operating terrestrial repeaters must maintain an accurate and up-to-date inventory of all terrestrial repeaters, including the information set forth in § 25.263(c)(2) for each repeater, which must be made available to the Commission upon request.

The following modified information collections are contained in the Order on Reconsideration and received OMB approval:

47 CFR 25.263(b)—SDARS licensees are required to provide informational notifications as specified in § 25.263, including a requirement that SDARS licensees must share with WCS licensees certain technical information at least 10 business days before operating a new repeater, and at least 5 business days before operating a modified repeater; exempting modifications that do not increase the predicted power flux density at ground level by more than one decibel (dB) (cumulative) and exempting terrestrial repeaters operating below 2 watts equivalent isotropically radiated power.

47 CFR 25.263(c)—SDARS licensees operating terrestrial repeaters must maintain an accurate and up-to-date inventory of terrestrial repeaters operating above 2 W EIRP, including the information set forth in § 25.263(c)(2) for each repeater, which shall be made available to the Commission upon request. Requirement can be satisfied by maintaining inventory on a secure Web site that can be accessed by authorized Commission staff.

The information collection requirements contained in § 25.263 are necessary to determine the potential of radiofrequency interference from SDARS terrestrial repeaters to WCS stations. Without such information, the Commission would be unable to fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended.

The information collection requirements contained in § 25.263 are necessary to determine the potential of radiofrequency interference from SDARS terrestrial repeaters to Wireless Communications Service (WCS) stations in adjacent frequency bands. Without such information, the Commission would be unable to fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–17647 Filed 7–22–13; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA–2013–0027]

RIN 2127–AL42

Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2014 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2014

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This final rule announces NHTSA's determination that there are no new model year (MY) 2014 light duty truck lines subject to the parts-marking requirements of the Federal motor vehicle theft prevention standard because they have been determined by the agency to be high-theft or because they have a majority of interchangeable parts with those of a passenger motor vehicle line. This final rule also identifies those vehicle lines that have been granted an exemption from the parts-marking requirements because the vehicles are equipped with antitheft devices determined to meet certain statutory criteria.

DATES: The amendment made by this final rule is effective July 23, 2013.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Consumer Standards Division, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, 1200 New Jersey Avenue SE., (NVS–131, Room W43–302) Washington, DC 20590. Ms. Proctor's telephone number is (202) 366–4807. Her fax number is (202) 493–0073.

SUPPLEMENTARY INFORMATION: The theft prevention standard applies to (1) all passenger car lines; (2) all multipurpose passenger vehicle (MPV) lines with a gross vehicle weight rating (GVWR) of 6,000 pounds or less; (3) low-theft light-duty truck (LDT) lines with a GVWR of 6,000 pounds or less that have major parts that are interchangeable with a majority of the covered major parts of passenger car or MPV lines; and (4) high-theft light-duty truck lines with a GVWR of 6,000 pounds or less.

The purpose of the theft prevention standard (49 CFR Part 541) is to reduce the incidence of motor vehicle theft by facilitating the tracing and recovery of parts from stolen vehicles. The standard seeks to facilitate such tracing by requiring that vehicle identification numbers (VINs), VIN derivative numbers, or other symbols be placed on major component vehicle parts. The theft prevention standard requires motor vehicle manufacturers to inscribe or affix VINs onto covered original equipment major component parts, and to inscribe or affix a symbol identifying the manufacturer and a common symbol identifying the replacement component parts for those original equipment parts, on all vehicle lines subject to the requirements of the standard.

Section 33104(d) provides that once a line has become subject to the theft prevention standard, the line remains subject to the requirements of the standard unless it is exempted under § 33106. Section 33106 provides that a manufacturer may petition annually to have one vehicle line exempted from the requirements of § 33104, if the line is equipped with an antitheft device meeting certain conditions as standard equipment. The exemption is granted if NHTSA determines that the antitheft device is likely to be as effective as compliance with the theft prevention standard in reducing and deterring motor vehicle thefts.

The agency annually publishes the names of those LDT lines that have been determined to be high theft pursuant to 49 CFR Part 541, those LDT lines that have been determined to have major parts that are interchangeable with a majority of the covered major parts of passenger car or MPV lines and those vehicle lines that are exempted from the theft prevention standard under section 33104. Appendix A to Part 541 identifies those LDT lines that are or will be subject to the theft prevention standard beginning in a given model year. Appendix A–I to Part 541 identifies those vehicle lines that are or have been exempted from the theft prevention standard.

For MY 2014, there are no new LDT lines that will be subject to the theft prevention standard in accordance with the procedures published in 49 CFR Part 542. Therefore, Appendix A does not need to be amended.

For MY 2014, the list of lines that have been exempted by the agency from the parts-marking requirements of Part 541 is amended to include thirteen

vehicle lines newly exempted in full. The thirteen exempted vehicle lines are the BMW Carline 4, Jeep Cherokee, Ford Edge, Cadillac ATS Vehicle line, Honda Civic, Jaguar F-Type, Maserati Quattroporte, Mercedes-Benz New Generation Compact Car (NGCC) Line Chassis/CLA-Class, Mitsubishi Mirage, Nissan Infiniti QX60 (formerly known as the Infiniti JX), Toyota RAV4, Volkswagen Eos, and the Volvo S60.

Subsequent to publishing the June 4, 2012 final rule (See 77 FR 32903), the agency also granted one petition for exemption in full to Jaguar Land Rover North America LLC's (Jaguar) Land Rover LR2 vehicle lines beginning with its MY 2013 vehicles.

We note that the agency also removes from the list being published in the **Federal Register** each year certain vehicles lines that have been discontinued more than 5 years ago. Therefore, the agency is removing the Chevrolet Malibu Maxx, Chevrolet Uplander and the Pontiac Grand Prix vehicle lines from the Appendix A–I listing. The agency will continue to maintain a comprehensive database of all exemptions on our Web site. However, we believe that re-publishing a list containing vehicle lines that have not been in production for a considerable period of time is unnecessary.

The vehicle lines listed as being exempt from the standard have previously been exempted in accordance with the procedures of 49 CFR Part 543 and 49 U.S.C., 33106. Therefore, NHTSA finds for good cause that notice and opportunity for comment on these listings are unnecessary. Further, public comment on the listing of selections and exemptions is not contemplated by 49 U.S.C. Chapter 331. For the same reasons, since this revised listing only informs the public of previous agency actions and does not impose additional obligations on any party, NHTSA finds for good cause that the amendment made by this notice should be effective as soon as it is published in the **Federal Register**.

Regulatory Impacts

A. Executive Order 12866 and DOT Regulatory Policies and Procedures Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one 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 the Executive Order.

This final rule was not reviewed under Executive Order 12866. It is not significant within the meaning of the DOT Regulatory Policies and Procedures. It will not impose any new burdens on vehicle manufacturers. This document informs the public of previously granted exemptions. Since the only purpose of this final rule is to inform the public of previous actions taken by the agency no new costs or burdens will result.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. § 601 et seq.) requires agencies to evaluate the potential effects of their rules on small businesses, small organizations and small governmental jurisdictions. I have considered the effects of this rulemaking action under the Regulatory Flexibility Act and certify that it would not have a significant economic impact on a substantial number of small entities. As noted above, the effect of this final rule is only to inform the public of agency's previous actions.

C. National Environmental Policy Act

NHTSA has analyzed this final rule for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment. Accordingly, no environmental assessment is required.

D. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federal implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement.

E. Unfunded Mandates Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually ($120.7 million as adjusted annually for inflation with base year of 1995). The assessment may be combined with other assessments, as it is here.

This final rule will not result in expenditures by State, local or tribal governments or automobile manufacturers and/or their suppliers of more than $120.7 million annually. This document informs the public of previously granted exemptions. Since the only purpose of this final rule is to inform the public of previous actions taken by the agency, no new costs or burdens will result.

F. Executive Order 12988 (Civil Justice Reform)

Pursuant to Executive Order 12988, ''Civil Justice Reform,'' [1] the agency has considered whether this final rule has any retroactive effect. We conclude that it would not have such an effect. In accordance with § 33118 when the Theft Prevention Standard is in effect, a State or political subdivision of a State may not have a different motor vehicle theft prevention standard for a motor vehicle or major replacement part. 49 U.S.C. 33117 provides that judicial review of this rule may be obtained pursuant to 49 U.S.C. 32909. Section 32909 does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

G. Paperwork Reduction Act

The Department of Transportation has not submitted an information collection request to OMB for review and clearance under the Paperwork reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This rule does not impose any new information collection requirements on manufacturers.

List of Subjects in 49 CFR Part 541

Administrative practice and procedure, Labeling, Motor vehicles, Reporting and recordkeeping requirements.

[1] *See* 61 FR 4729, February 7, 1996.

In consideration of the foregoing, 49 CFR part 541 is amended as follows:

PART 541—[AMENDED]

■ 1. The authority citation for part 541 continues to read as follows:

Authority: 49 U.S.C. 33101, 33102, 33103, 33104, 33105 and 33106; delegation of authority at 49 CFR 1.50.

■ 2. In part 541, Appendix A–I is revised to read as follows:

Appendix A–I to Part 541—Lines With Antitheft Devices Which Are Exempted From the Parts-Marking Requirements of This Standard Pursuant to 49 CFR Part 543

Manufacturer	Subject lines
BMW	MINI.
	X1.
	X3.
	X5.
	Z4.
	1 Car Line.
	3 Car Line.
	4 Car Line.[1]
	5 Car Line.
	6 Car Line.
	7 Car Line.
CHRYSLER	300C.
	Jeep Cherokee.[1]
	Fiat 500.
	Town and Country MPV.
	Jeep Grand Cherokee.
	Jeep Patriot.
	Jeep Wrangler.
	Dodge Charger.
	Dodge Challenger.
	Dodge Dart.
	Dodge Journey.
	Dodge Magnum (2008).
FORD MOTOR CO	C-Maxx.
	Edge.[1]
	Escape.
	Explorer.
	Focus.
	Fusion.
	Lincoln Town Car.
	Mustang.
	Mercury Mariner.
	Mercury Grand Marquis.
	Mercury Sable.
	Taurus.
	Taurus X.
GENERAL MOTORS	Buick Lucerne.
	Buick LaCrosse.
	Buick Verano.
	Cadillac ATS.[1]
	Cadillac CTS.
	Cadillac DTS/Deville.
	Cadillac XTS/Deville.
	Chevrolet Camaro.
	Chevrolet Cobalt (2005–2010).
	Chevrolet Corvette.
	Chevrolet Cruze.
	Chevrolet Equinox.
	Chevrolet Impala/Monte Carlo.
	Chevrolet Malibu.
	Chevrolet Sonic.
	GMC Terrain.
	Pontiac G6.
	Saturn Aura.
HONDA	Acura TL.
	Civic.[1]
HYUNDAI	Azera.
	Genesis.
Equus (originally codenamed VI)..	
JAGUAR	F-Type.[1]
	XJ.
	XK.
	Land Rover LR2.[2]
	Land Rover Range Rover Evoque.
KIA	Amanti.
MASERATI	Quattroporte.[1]
MAZDA	2.

[1] Granted an exemption from the parts marking requirements beginning with MY 2014.

[2] Granted an exemption from the parts marking requirements beginning with MY 2013.

Manufacturer	Subject lines
	3.
	5.
	6.
	CX–5.
	CX–7.
	CX–9.
	MX–5 Miata.
	Tribute.
MERCEDES-BENZ	smart USA fortwo.
	SL-Class (the models within this line are):
	SL550.
	SL55.
	SL 63/AMG.
	SL 65/AMG.
	SLK-Class (the models within this line are):
	SLK 300.
	SLK 350.
	SLK 55 AMG.
	S-Class/CL-Class (the models within this line are):
	S450.
	S500.
	S550.
	S600.
	S55.
	S63 AMG.
	S65 AMG.
	CL55.
	CL65.
	CL500.
	CL550.
	CL600.
	NGCC/CLA- Class[1] (the models within this line are):
	CLA250.
	CLA250 4MATIC.
	CLA45 4MATIC AMG.
	C-Class/CLK-Class (the models within this line are):
	C240.
	C300.
	C350.
	CLK 350.
	CLK 550.
	CLK 63AMG.
	E-Class/CLS Class (the models within this line are):
	E320/E320DT CDi.
	E350/E500/E550.
	CLS500/CLS55.
MITSUBISHI	Eclipse.
	Endeavor.
	Galant.
	iMiEV.
	Lancer.
	Outlander.
	Outlander Sport.
	Mirage.[1]
NISSAN	Altima.
	Cube.
	Juke.
	Leaf.
	Maxima.
	Murano.
	Pathfinder.
	Quest.
	Rogue.
	Sentra.
	Versa (2008–2011).
	Versa Hatchback.[5]
	Versa Note.[6]
	Infiniti G.[4]
	Infiniti Q50.
	Infiniti QX60.[12]
	Infiniti M.[3]
	Infiniti Q70
PORSCHE	911.
	Boxster/Cayman.
	Panamera.
SAAB	9–3.
	9–5.
SUBARU	Forester.
	Impreza.
	Legacy.
	B9 Tribeca.
	Outback.
	XV Crosstrek.
SUZUKI	Kizashi.
	XL–7.
TESLA	Model S.
TOYOTA	Camry.
	Corolla.
	Lexus ES.
	Lexus GS.
	Lexus LS.
	Lexus SC.
	Prius.
	RAV4.[1]
VOLKSWAGEN	Audi A3.
	Audi A4.
	A4 Allroad MPV.
	Audi A6.
	Audi A8.
	Audi Q5.
	Beetle.
	Eos.[1]
	Golf/Rabbit/GTI/R.
	Jetta.

Manufacturer	Subject lines
VOLVO	New Beetle (renamed "Beetle" in MY 2012). Passat. Tiguan. S60.[1]

[1] Granted an exemption from the parts marking requirements beginning with MY 2014.

[2] Formerly known as the Infiniti JX—nameplate changed to Infiniti QX60 beginning with MY 2014 vehicles.

[3] Nameplate changed to Infiniti Q70 beginning with MY 2014 vehicles.

[4] Nameplate changed from the Infiniti G Sedan to the Infiniti Q50 Sedan and the Infiniti G Coupe/Convertible model was changed to the Infiniti Q60 Coupe/Convertible beginning with MY 2014 vehicles.

[5] Nameplate changed to Nissan Versa Note beginning with MY 2014.

[6] Nissan will not utilize its exemption for the Versa Note in MY2014 but will parts-mark all Versa Note vehicles.

Issued on: July 18, 2013.

Christopher J. Bonanti,

Associate Administrator for Rulemaking.

[FR Doc. 2013–17630 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 120918468–3111–02]

RIN 0648–XC769

Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of northern rockfish in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary because the 2013 total allowable catch of northern rockfish in the Western Regulatory Area of the GOA has been reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), July 22, 2013, through 2400 hours, A.l.t., December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR Part 600 and 50 CFR Part 679.

The 2013 total allowable catch (TAC) of northern rockfish in the Western Regulatory Area of the GOA is 2,008 metric tons as established by the final 2013 and 2014 harvest specifications for groundfish of the GOA (78 FR 13162, February 26, 2013).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2013 TAC of northern rockfish in the Western Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that northern rockfish caught in the Western Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting the retention of northern rockfish in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 17, 2013.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and § 679.21 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 18, 2013.

Kelly Denit,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–17670 Filed 7–18–13; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 141
Tuesday, July 23, 2013

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket Nos. PRM–50–100; NRC–2011–0189]

Petition for Rulemaking Submitted by the Natural Resources Defense Council, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; consideration in the rulemaking process.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will consider the issues raised in the petition for rulemaking (PRM), PRM–50–100, submitted by the Natural Resources Defense Council, Inc. (NRDC or the petitioner), in the rulemaking process. The petitioner requests that the NRC amend its regulations to require each operating and new reactor licensee to improve spent nuclear fuel safety. The NRC determined that the issues raised in the PRM are appropriate for consideration and will consider them in the ongoing ''Station Blackout Mitigation Strategies'' rulemaking.

DATES: The docket for the petition for rulemaking, PRM–50–100, is closed on July 23, 2013.

ADDRESSES: Please refer to Docket ID NRC–2011–0189 when contacting the NRC about the availability of information for this PRM. You can access publicly available documents related to the petition, which the NRC possesses and are publicly available, using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search on the petition Docket ID NRC–2011–0189 or the Docket ID for the Station Blackout Mitigation Strategies rulemaking, NRC–2011–0299. Address questions about NRC dockets to Carol Gallagher; by telephone: 301–287–3422; or by email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff by telephone at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The incoming petition is in ADAMS under Accession No. ML11216A240.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Tim Reed, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–1462; email: *Timothy.Reed@nrc.gov;* or Scott Sloan, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–1619; by email: *Scott.Sloan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. The Petition

On September 20, 2011, the NRC published a notice of receipt in the **Federal Register** (76 FR 58165) of six PRMs filed by the NRDC, including PRM–50–100. The petitioner solely and specifically cited the ''Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident,'' (Fukushima Task Force Report, ADAMS Accession No. ML111861807) dated July 12, 2011, as the rationale for the PRMs. For PRM–50–100, the petitioner cited Section 4.2.4, pages 43–46, of the Fukushima Task Force Report, which discusses the enhancement of spent fuel pool makeup capability and instrumentation for the spent fuel pool. At the time of receipt of the PRMs, the Commission was still in the process of reviewing the Fukushima Task Force Report, and the NRC did not institute a public comment period for the PRMs.

In PRM–50–100, the petitioner requests the NRC to institute a rulemaking proceeding applicable to nuclear facilities licensed under Parts 50 and 52 of Title 10 of the *Code of Federal Regulations* and other applicable regulations to require licensees to (1) provide sufficient safety-related instrumentation, able to withstand design-basis natural phenomena, to monitor key spent fuel pool parameters (i.e., water level, temperature, and area radiation levels) from the control room; (2) provide safety-related alternating current (AC) electrical power for the spent fuel pool makeup system; (3) revise their technical specifications to address requirements to have one train of onsite emergency electrical power operable for spent fuel pool makeup and spent fuel pool instrumentation when there is irradiated fuel in the spent fuel pool, regardless of the operational mode of the reactor; and (4) have an installed seismically qualified means to spray water into the spent fuel pools, including an easily accessible connection to supply the water (e.g., using a portable pump or pumper truck) at grade outside the building.

II. Reasons for Consideration

The Commission has established a process for addressing a number of the recommendations in the Fukushima Task Force Report. In the Staff Requirements Memorandum for COMSECY–13–0002, ''Consolidation of Japan Lessons Learned Near-Term Task Force Recommendations 4 and 7 Regulatory Activities,'' dated March 4, 2013 (ADAMS Accession No. ML13063A548), the Commission directed the NRC staff to consider Fukushima Task Force Report Recommendation 7 actions along with the Station Blackout Mitigation Strategies rulemaking. The NRC determined that the issues raised in PRM–50–100 are similar to the actions of Recommendation 7.5 of the Fukushima Task Force Report. Therefore, the NRC will consider the issues raised in PRM–50–100 in the ongoing Station Blackout Mitigation

Strategies rulemaking. The public will have the opportunity to provide comments on PRM–50–100 as part of that rulemaking. The NRC will consider the issues raised by the remaining NRDC PRMs through the process the Commission establishes for addressing the remaining recommendations in the Fukushima Task Force Report. This PRM docket is closed.

Dated at Rockville, Maryland, this 2nd day of July 2013.

For the Nuclear Regulatory Commission.

M.R. Johnson,

Deputy Executive Director for Reactor and Preparedness Programs.

[FR Doc. 2013–17658 Filed 7–22–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 52

[NRC–2011–0299]

RIN 3150–AJ08

Station Blackout Mitigation Strategies

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory basis for rulemaking.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a regulatory basis document to support the potential amendment of its regulations concerning nuclear power plant licensees' and applicants' station blackout mitigation strategies. The issuance of this regulatory basis document is one of the actions stemming from the NRC's lessons-learned efforts associated with the March 2011 Fukushima Dai-ichi Nuclear Power Plant accident in Japan.

DATES: At this time, the NRC is not soliciting formal public comments on the materials identified in this document. There will be an opportunity for formal public comment on the proposed rule when it is published in the **Federal Register**.

ADDRESSES: Please refer to Docket ID NRC–2011–0299 when contacting the NRC about the availability of information for this document. You may access information related to this document, which the NRC possesses and is publicly available, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *www.regulations.gov* and search for Docket ID NRC–2011–0299. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The regulatory basis document, ''Station Blackout Mitigation Strategies,'' is available in ADAMS under Accession No. ML13171A061.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Timothy A. Reed, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1462; email: *Timothy.Reed@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

As the NRC continues its ongoing proposed rulemaking effort to amend portions of Parts 50 and 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) to incorporate requirements involving station blackout mitigation strategies (SBOMS), the NRC is making documents publicly available on the Federal rulemaking Web site, *www.regulations.gov*, under Docket ID NRC–2011–0299. This regulatory action is one of the near-term actions based on the lessons-learned from the March 11, 2011, Fukushima Dai-ichi accident in Japan. By making these documents publicly available, the NRC seeks to inform stakeholders of the current status of the NRC's rulemaking development activities. Stakeholders should also note that there two related petitions for rulemaking (PRM), both submitted by the Natural Resources Defense Council that are being addressed within this rulemaking. Those are PRM–50–100 (notice of consideration published in the Proposed Rules section of this issue of the **Federal Register** (NRC–2011–0189)) and PRM–50–101 (77 FR 16483; March 21, 2012; NRC–2011–0189) that endorse actions recommended by the Near Term Task Force (NTTF) in Recommendations 4 and 7, respectively.

II. Publicly Available Documents

The NRC has posted on *www.regulations.gov* a regulatory basis to support a rulemaking to incorporate requirements involving station blackout mitigation strategies into the *Code of Federal Regulations.* The regulatory basis documents the reasons why rulemaking now appears to be the appropriate course of action to remedy an apparent regulatory shortcoming. The regulatory basis reflects the NRC's consideration of stakeholder feedback on the draft regulatory basis published in the **Federal Register** for public comment on April 10, 2013 (78 FR 21275). Section 5 of the regulatory basis provides additional discussion regarding the stakeholder feedback that informed development of the SBOMS regulatory basis. Please note that the NRC may identify additional information through further rulemaking activities that may affect the NRC staff determination documented in the regulatory basis. Such information, if any, and its effects on the rulemaking effort will be documented in a notice published in the **Federal Register** in connection with this rulemaking.

Also note that the draft regulatory basis contained an appendix (i.e., Appendix A) that provided draft rule concepts which, during the rulemaking process, may evolve into regulatory requirements, guidance, or other regulatory information. Appendix A was not revised to reflect stakeholder feedback on the draft regulatory basis, and is not being republished with this regulatory basis. Instead stakeholder comments on the draft rule concepts deserve further deliberation and consideration, and are being considered as the NRC develops a proposed rule. The draft rule concepts, as a whole, do not represent a final NRC staff position and have not been approved by the Commission. Therefore, the proposed rule language that will subsequently be developed may change substantially from the draft rule concepts in the regulatory basis.

The NRC is not requesting formal public comments on the SBOMS regulatory basis. As they are developed, the NRC may post additional materials, including preliminary proposed rule language, to the Federal rulemaking Web site at *www.regulations.gov,* under Docket ID NRC–2011–0299. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2011–0299); (2) click the ''Email Alert'' link; and (3) enter your email address and select how frequently you would

like to receive emails (daily, weekly, or monthly).

III. Plain Writing

The Plain Writing Act of 2010, (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. Although regulations are exempt from these requirements under the Act, the NRC is applying the same principles to its rulemaking documents. Therefore, the NRC has written this document, including the preliminary proposed rule language, to be consistent with the Plain Writing Act.

Dated at Rockville, Maryland, this 16th day of July 2013.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–17660 Filed 7–22–13; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

10 CFR Part 429

[EERE–2013–BT–NOC–0039]

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Intent To Establish the Commercial/Industrial Pumps Working Group To Negotiate a Notice of Proposed Rulemaking (NOPR) for Energy Conservation Standards for Commercial/Industrial Pumps

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

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE or the Department) is giving notice that it intends to establish a negotiated rulemaking working group under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed Federal standards for the energy efficiency of commercial/industrial pumps. The purpose of the working group will be to discuss and, if possible, reach consensus on a proposed rule for the energy efficiency of commercial/industrial pumps, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended. The working group will consist of representatives of parties having a defined stake in the outcome of the proposed standards, and will consult as appropriate with a range of experts on technical issues.

DATES: Written comments and request to be appointed as members of the working group are welcome and should be submitted by August 22, 2013.

ADDRESSES: Interested person may submit comments, identified by docket number EERE–2013–BT–NOC–0039, by any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
2. *Email: ASRAC@ee.doe.gov.* Include docket number EERE–2013–BT–NOC–0039 in the subject line of the message.
3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov*, including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, U.S. Department of Energy, Office of Building Technologies (EE–2J), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: 202–287–1692. Email: *asrac@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Preamble

I. Authority
II. Background
III. Proposed Negotiating Procedures
IV. Comments Requested

I. Authority

This notice of intent, announcing DOE's intent to negotiate a proposed regulation setting energy efficiency standards for commercial/industrial pumps, was developed under the authority of sections 563 and 564 of the NRA (5 U.S.C. 561–570, Pub. L. 104–320). The regulation setting energy efficiency standards for commercial/industrial pumps that DOE is proposing to develop under a negotiated rulemaking will be developed under the authority of EPCA, as amended, 42 U.S.C. 6311(1)(A) and 42 U.S.C. 6291 *et seq.*

II. Background

As required by the NRA, DOE is giving notice that it is establishing a working group under ASRAC to develop proposed energy efficiency standards for commercial/industrial pumps. EPCA, as amended, directs DOE to adopt energy conservation standards for commercial/industrial pumps for which standards would be technologically feasible and economically justified, and would result in significant energy savings. There currently are no energy conservation standards for commercial/industrial pumps. On June 13, 2011, DOE issued a request for information (76 FR 34192) regarding:

- Definition(s) of pumps, pump product classes, and diversity of pump types within pump product classes;
- Energy use by pumps;
- Overview of the industrial and commercial pump market, including shipments and efficiencies ranges;
- Availability and applicability of U.S. and international test procedures for pumps; and
- Assistance and resources available from stakeholders, states, local jurisdictions, and others.

Comments received, available in the rulemaking docket (EERE–2011–BT–STD–0031), were used to develop a framework document to explain the relevant issues, analyses, and processes it anticipates using when considering new energy conservation standards for commercial/industrial pumps.

A. Negotiated Rulemaking

DOE has decided to use the negotiated rulemaking process to develop proposed energy efficiency standards for commercial/industrial pumps. Under EPCA, Congress mandated that DOE develop regulations establishing energy efficiency standards for covered residential and commercial appliances that are designed to achieve the maximum improvement in energy efficiency that are technologically feasible and economically justified. 42 U.S.C. 6295(o)(2)(A). The primary reason for using the negotiated rulemaking process for developing a proposed Federal standard is that stakeholders strongly support a consensual rulemaking effort. DOE

believes such a regulatory negotiation process will be less adversarial and better suited to resolving complex technical issues. An important virtue of negotiated rulemaking is that it allows expert dialog that is much better than traditional techniques at getting the facts and issues right and will result in a proposed rule that will effectively reflect Congressional intent.

A regulatory negotiation will enable DOE to engage in direct and sustained dialog with informed, interested, and affected parties when drafting the regulation, rather than obtaining input during a public comment period after developing and publishing a proposed rule. Gaining this early understanding of all parties' perspectives allows DOE to address key issues at an earlier stage of the process, thereby allowing more time for an iterative process to resolve issues. A rule drafted by negotiation with informed and affected parties is expected to be potentially more pragmatic and more easily implemented than a rule arising from the traditional process. Such rulemaking improvement is likely to provide the public with the full benefits of the rule while minimizing the potential negative impact of a proposed regulation conceived or drafted without the full prior input of outside knowledgeable parties. Because a negotiating working group includes representatives from the major stakeholder groups affected by or interested in the rule, the number of public comments on the proposed rule may be decreased. DOE anticipates that there will be a need for fewer substantive changes to a proposed rule developed under a regulatory negotiation process prior to the publication of a final rule.

B. The Concept of Negotiated Rulemaking

Usually, DOE develops a proposed rulemaking using Department staff and consultant resources. Typically, a preliminary analysis is vetted for stakeholder comments after a Framework Document is published and comments taken thereon. After the notice of proposed rulemaking is published for comment, affected parties may submit arguments and data defining and supporting their positions with regard to the issues raised in the proposed rule. Congress noted in the NRA, however, that regulatory development may ''discourage the affected parties from meeting and communicating with each other, and may cause parties with different interests to assume conflicting and antagonistic positions * * *.'' 5 U.S.C. 561(2)(2). Congress also stated that ''adversarial rulemaking deprives the affected parties and the public of the benefits of face-to-face negotiations and cooperation in developing and reaching agreement on a rule. It also deprives them of the benefits of shared information, knowledge, expertise, and technical abilities possessed by the affected parties.'' 5 U.S.C. 561(2)(3).

Using negotiated rulemaking to develop a proposed rule differs fundamentally from the Department centered process. In negotiated rulemaking, a proposed rule is developed by an advisory committee or working group, chartered under FACA, 5 U.S.C. App. 2, composed of members chosen to represent the various interests that will be significantly affected by the rule. The goal of the advisory committee or working group is to reach consensus on the treatment of the major issues involved with the rule. The process starts with the Department's careful identification of all interests potentially affected by the rulemaking under consideration. To help with this identification, the Department publishes a notice of intent such as this one in the **Federal Register**, identifying a preliminary list of interested parties and requesting public comment on that list. Following receipt of comments, the Department establishes an advisory committee or working group representing the full range of stakeholders to negotiate a consensus on the terms of a proposed rule. Representation on the advisory committee or working group may be direct; that is, each member may represent a specific interest, or may be indirect, such as through trade associations and/or similarly-situated parties with common interests. The Department is a member of the advisory committee or working group and represents the Federal government's interests. The advisory committee or working group chair is assisted by a neutral mediator who facilitates the negotiation process. The role of the mediator, also called a facilitator, is to apply proven consensus-building techniques to the advisory committee or working group process.

After an advisory committee or working group reaches consensus on the provisions of a proposed rule, the Department, consistent with its legal obligations, uses such consensus as the basis of its proposed rule, which then is published in the **Federal Register**. This publication provides the required public notice and provides for a public comment period. Other participants and other interested parties retain their rights to comment, participate in an informal hearing (if requested), and request judicial review. DOE anticipates, however, that the pre-proposal consensus agreed upon by the advisory committee or working group will narrow any issues in the subsequent rulemaking.

C. Proposed Rulemaking for Energy Efficiency Standards for Commercial/Industrial Pumps

The NRA enables DOE to establish an advisory committee or working group if it is determined that the use of the negotiated rulemaking process is in the public interest. DOE intends to develop Federal regulations that build on the depth of experience accrued in both the public and private sectors in implementing standards and programs.

DOE has determined that the regulatory negotiation process will provide for obtaining a diverse array of in-depth input, as well as an opportunity for increased collaborative discussion from both private-sector stakeholders and government officials who are familiar with energy efficiency of commercial/industrial pumps.

D. Department Commitment

In initiating this regulatory negotiation process to develop energy efficiency standards for commercial/industrial pumps, DOE is making a commitment to provide adequate resources to facilitate timely and successful completion of the process. This commitment includes making the process a priority activity for all representatives, components, officials, and personnel of the Department who need to be involved in the rulemaking, from the time of initiation until such time as a final rule is issued or the process is expressly terminated. DOE will provide administrative support for the process and will take steps to ensure that the advisory committee or working group has the dedicated resources it requires to complete its work in a timely fashion. Specifically, DOE will make available the following support services: Properly equipped space adequate for public meetings and caucuses; logistical support; word processing and distribution of background information; the service of a facilitator; and such additional research and other technical assistance as may be necessary.

To the maximum extent possible consistent with the legal obligations of the Department, DOE will use the consensus of the advisory committee or working group as the basis for the rule the Department proposes for public notice and comment.

E. Negotiating Consensus

As discussed above, the negotiated rulemaking process differs fundamentally from the usual process for developing a proposed rule. Negotiation enables interested and affected parties to discuss various approaches to issues rather than asking them only to respond to a proposal developed by the Department. The negotiation process involves a mutual education of the various parties on the practical concerns about the impact of standards. Each advisory committee or working group member participates in resolving the interests and concerns of other members, rather than leaving it up to DOE to evaluate and incorporate different points of view.

A key principle of negotiated rulemaking is that agreement is by consensus of all the interests. Thus, no one interest or group of interests is able to control the process. The NRA defines consensus as the unanimous concurrence among interests represented on a negotiated rulemaking committee or working group, unless the committee or working group itself unanimously agrees to use a different definition. 5 U.S.C. 562. In addition, experience has demonstrated that using a trained mediator to facilitate this process will assist all parties, including DOE, in identifying their real interests in the rule, and thus will enable parties to focus on and resolve the important issues.

III. Proposed Negotiating Procedures

A. Key Issues for Negotiation

The following issues and concerns will underlie the work of the Negotiated Rulemaking Committee on Energy Efficiency Standards for commercial/industrial pumps:

- DOE's key issues include assuring full compliance with statutory mandates. Congress has mandated that DOE establish minimum energy efficiency standards that are technologically feasible and economically justified.
- The committee must find ways to balance the goals and priorities of State regulatory programs and DOE's program for energy efficiency standards.
- Manufacturers desire that standards not diminish or constrain innovation for these products.
- Environmental advocates seek to ensure that standards achieve the maximum energy savings that are technologically feasible and economically justifiable.

To examine the underlying issues outlined above, and others not yet articulated, all parties in the negotiation will need DOE to provide data and an analytic framework complete and accurate enough to support their deliberations. DOE's analyses must be adequate to inform a prospective negotiation—for example, a preliminary Technical Support Document or equivalent must be available and timely.

B. Formation of Working Group

A working group will be formed and operated in full compliance with the requirements of FACA and in a manner consistent with the requirements of the NRA. DOE has determined that the working group not exceed 25 members. The Department believes that more than 25 members would make it difficult to conduct effective negotiations. DOE is aware that there are many more potential participants than there are membership slots on the working group. The Department does not believe, nor does the NRA contemplate, that each potentially affected group must participate directly in the negotiations; nevertheless, each affected interest can be adequately represented. To have a successful negotiation, it is important for interested parties to identify and form coalitions that adequately represent significantly affected interests. To provide adequate representation, those coalitions must agree to support, both financially and technically, a member of the working group whom they choose to represent their interests.

DOE recognizes that when it establishes energy efficiency standards for residential products and commercial equipment, various segments of society may be affected in different ways, in some cases producing unique ''interests'' in a proposed rule based on income, gender, or other factors. The Department will pay attention to providing that any unique interests that have been identified, and that may be significantly affected by the proposed rule, are represented.

FACA also requires that members of the public have the opportunity to attend meetings of the full committee and speak or otherwise address the committee during the public comment period. In addition, any member of the public is permitted to file a written statement with the advisory committee. DOE plans to follow these same procedures in conducting meetings of the working group.

C. Interests Involved/Working Group Membership

DOE anticipates that the working group will comprise no more than 25 members who represent affected and interested stakeholder groups, at least one of whom must be a member of the ASRAC. As required by FACA, the Department will conduct the negotiated rulemaking with particular attention to ensuring full and balanced representation of those interests that may be significantly affected by the proposed rule governing standards for the energy efficiency of commercial/industrial pumps. Section 562 of the NRA defines the term interest as ''with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner.'' Listed below are parties the Department to date has identified as being ''significantly affected'' by a proposed rule regarding the energy efficiency of commercial/industrial pumps.

- The Department of Energy
- Commercial/industrial pumps manufacturers and trade associations representing manufacturers
- Component manufacturers and related suppliers
- Utilities
- Energy efficiency/environmental advocacy groups
- Consumers

One purpose of this notice of intent is to determine whether Federal standards regarding the energy efficiency of commercial/industrial pumps will significantly affect interests that are not listed above. DOE invites comment and suggestions on its initial list of significantly affected interests.

Members may be individuals or organizations. If the effort is to be fruitful, participants on the working group should be able to fully and adequately represent the viewpoints of their respective interests. This document gives notice of DOE's process to other potential participants and affords them the opportunity to request representation in the negotiations. Those who wish to be appointed as members of the working group, should submit a request to DOE, in accordance with the public participation procedures outlined in the **DATES** and **ADDRESSES** sections of this notice of intent. Membership of the working group is likely to involve:

- Attendance at approximately five (5), one (1) to two (2) day meetings;
- Travel costs to those meetings; and
- Preparation time for those meetings.

Members serving on the working group will not receive compensation for their services. Interested parties who are not selected for membership on the working group may make valuable contributions to this negotiated rulemaking effort in any of the following ways:

- The person may request to be placed on the working group mailing

list and submit written comments as appropriate.

• The person may attend working group meetings, which are open to the public; caucus with his or her interest's member on the working group; or even address the working group during the public comment portion of the working group meeting.

• The person could assist the efforts of a workgroup that the working group might establish.

A working group may establish informal workgroups, which usually are asked to facilitate committee deliberations by assisting with various technical matters (e.g., researching or preparing summaries of the technical literature or comments on specific matters such as economic issues). Workgroups also might assist in estimating costs or drafting regulatory text on issues associated with the analysis of the costs and benefits addressed, or formulating drafts of the various provisions and their justifications as previously developed by the working group. Given their support function, workgroups usually consist of participants who have expertise or particular interest in the technical matter(s) being studied. Because it recognizes the importance of this support work for the working group, DOE will provide appropriate technical expertise for such workgroups.

D. Good Faith Negotiation

Every working group member must be willing to negotiate in good faith and have the authority, granted by his or her constituency, to do so. The first step is to ensure that each member has good communications with his or her constituencies. An intra-interest network of communication should be established to bring information from the support organization to the member at the table, and to take information from the table back to the support organization. Second, each organization or coalition therefore should designate as its representative a person having the credibility and authority to ensure that needed information is provided and decisions are made in a timely fashion. Negotiated rulemaking can require the appointed members to give a significant sustained for as long as the duration of the negotiated rulemaking. Although the ASRAC advisory committee charter will be in effect for 2 years from the date it is filed with Congress, DOE expects the working group's deliberations to conclude or be terminated earlier than that. Other qualities of members that can be helpful are negotiating experience and skills, and sufficient technical knowledge to participate in substantive negotiations.

Certain concepts are central to negotiating in good faith. One is the willingness to bring all issues to the bargaining table in an attempt to reach a consensus, as opposed to keeping key issues in reserve. The second is a willingness to keep the issues at the table and not take them to other forums. Finally, good faith includes a willingness to move away from some of the positions often taken in a more traditional rulemaking process, and instead explore openly with other parties all ideas that may emerge from the working group's discussions.

E. Facilitator

The facilitator will act as a neutral in the substantive development of the proposed standard. Rather, the facilitator's role generally includes:

• Impartially assisting the members of the working group in conducting discussions and negotiations; and

• Impartially assisting in performing the duties of the Designated Federal Official under FACA.

F. Department Representative

The DOE representative will be a full and active participant in the consensus building negotiations. The Department's representative will meet regularly with senior Department officials, briefing them on the negotiations and receiving their suggestions and advice so that he or she can effectively represent the Department's views regarding the issues before the working group. DOE's representative also will ensure that the entire spectrum of governmental interests affected by the standards rulemaking, including the Office of Management and Budget, the Attorney General, and other Departmental offices, are kept informed of the negotiations and encouraged to make their concerns known in a timely fashion.

G. Working Group and Schedule

After evaluating the comments submitted in response to this notice of intent and the requests for nominations, DOE will either inform the members of the working group that they have been selected or determine that conducting a negotiated rulemaking is inappropriate.

DOE will advise working group members of administrative matters related to the functions of the working group before beginning. DOE will establish a meeting schedule based on the settlement agreement and produce the necessary documents so as to adhere to that schedule. While the negotiated rulemaking process is underway, DOE is committed to performing much of the same analysis as it would during a normal standards rulemaking process and to providing information and technical support to the working group.

IV. Comments Requested

DOE requests comments on whether it should use negotiated rulemaking for its rulemaking pertaining to the energy efficiency of commercial/industrial pumps and the extent to which the issues, parties, and procedures described above are adequate and appropriate. DOE also requests comments on which parties should be included in a negotiated rulemaking to develop draft language pertaining to the energy efficiency of commercial/industrial pumps and suggestions of additional interests and/or stakeholders that should be represented on the working group. All who wish to participate as members of the working group should submit a request for nomination to DOE.

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's notice of proposed rulemaking.

Issued in Washington, DC, on July 16, 2013.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 2013–17505 Filed 7–22–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0642; Directorate Identifier 2011–SW–035–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Eurocopter Deutschland GmbH (Eurocopter) Model MBB–BK 117 C–2 helicopters with a jettisonable sliding door (door) installed. This proposed AD would require inspecting the lock release assembly and the middle and upper lever locking bolts of each door, replacing any damaged parts with airworthy parts, and ensuring the door

is correctly installed. This proposed AD is prompted by the uncommanded detaching of a door from an MBB–BK 117 C–2 fuselage. The proposed actions are intended to prevent the in-flight loss of the door, which could damage the helicopter and injure persons on the ground.

DATES: We must receive comments on this proposed AD by September 23, 2013.

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

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

Examining the AD Docket

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

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

FOR FURTHER INFORMATION CONTACT: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2011–0107, dated June 7, 2011, to correct an unsafe condition for Eurocopter Model MBB–BK 117 C–2 helicopters with jettisonable sliding doors installed. EASA states that in early 2010 it received a report that the door guides of the jettison mechanism on an MBB–BK 117 C–2 helicopter released uncommanded while opening the door, resulting in the door detaching from the fuselage. Although EASA initially did not consider this to be an unsafe condition, EASA has since determined that ''this condition, if not detected and corrected, could result in cases of in-flight loss of the jettisonable door, possibly resulting in damage to, or loss of control of, the helicopter, or injury to persons on the ground.'' As a result, EASA requires repetitive inspections for the correct installation of the doors, door guides, and release cables.

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

We reviewed Eurocopter Alert Service Bulletin MBB–BK117 C–2–52A–015, Revision 0, dated April 26, 2011 (ASB), for Model MBB–BK 117 C–2 helicopters with jettisonable sliding doors installed. The ASB calls for inspecting the lock release assembly for damage and correct installation and inspecting the middle lever and upper lever locking bolts for correct installation. The ASBs require the inspections to be conducted within 50 hours time-in-service (TIS) or two months, whichever occurs first, and thereafter after every door guide installation.

Proposed AD Requirements

This proposed AD would require within 50 hours TIS:

- Visually inspecting each door lock release assembly for any frayed cables, stripped threads on a screw joint, and any pitting on a door guide, release cable or associated hardware, as well as inspecting for correct installation.
- Replacing with airworthy parts any frayed cables, screw joints with stripped threads, or door guides, release cables and associated hardware that have pitting.
- Allowing for a minimum of one millimeter clearance at each end of the release cables.
- Installing the aft cover and aft inner handle.
- Inspecting each middle lever and upper lever locking bolt for correct installation.
- If the door cannot be correctly rigged, inspecting all hardware, guides, and door attachment points for misalignment or bent fittings. Replacing misaligned or bent parts with airworthy parts before operating the door in-flight and re-inspecting.

Differences Between This Proposed AD and the EASA AD

This proposed AD would require that the inspections be conducted within 50 hours TIS. The EASA AD requires that the inspections be conducted within 50 hours TIS or 60 days, whichever occurs first after the effective date of the EASA AD.

The EASA AD requires that you contact Eurocopter to determine corrective action, and this proposed AD would not.

The EASA AD requires a repetitive inspection, each time when the installation of the door guides for the jettisonable sliding doors is accomplished. This AD would not

require this repetitive inspection because that is considered normal maintenance.

Costs of Compliance

We estimate that this proposed AD would affect 108 helicopters of U.S. Registry and that labor costs average $85 a work-hour.

• Visually inspecting the door's lock release assembly and the middle and upper levers would require 4 work-hours for a labor cost of $340 per helicopter. No parts would be needed, so that the total cost for the U.S. fleet would be $36,720.

• Visually inspecting all hardware, guides and door attachment points for misaligned or bent fittings would require 4 work-hours for a labor cost of $340 per helicopter. Parts may be needed but on an individual basis, so that the total cost for the U.S. fleet would be at least $36,720.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Eurocopter Deutschland GmbH Helicopters (Eurocopter): Docket No. FAA–2013–0642; Directorate Identifier 2011–SW–035–AD.

(a) Applicability

This AD applies to Model MBB–BK 117 C–2 helicopters with a jettisonable main cabin sliding door (door) installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as the door detaching uncommanded from the fuselage. This condition could result in the in-flight loss of the door, which could damage the helicopter or cause injury or damage on the ground.

(c) Comments Due Date

We must receive comments by September 23, 2013.

(d) Compliance

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

(e) Required Actions

Within 50 hours time-in-service:

(1) Visually inspect each door lock release assembly for a frayed cable, a stripped thread on a screw joint, pitting on a door guide, release cable, or associated hardware, and for correct installation by following the Accomplishment Instructions, paragraph 3.B.1. (a) through (c), except (c)(1) and (c)(2), of Eurocopter Alert Service Bulletin MBB–BK117 C–2–52A–015, Revision 0, dated April 26, 2011 (ASB).

(i) Replace with an airworthy part any frayed cables, screw joints with stripped threads, or any door guides, release cables, and associated hardware with pitting. Allow for a minimum of one millimeter clearance at each end of the release cables.

(ii) Install the aft cover and aft inner handle.

(2) Inspect each middle lever and upper lever locking bolt for correct installation by following the Accomplishment Instructions, paragraphs 3.B.2 and 3.B.3, of the ASB, except that we do not require you to contact Eurocopter.

(3) If the door cannot be correctly rigged after performing the actions required by paragraph (e)(2), inspect all hardware, guides, and door attachment points for misalignment or bent fittings. Replace misaligned or bent parts with airworthy parts before you operate the door in-flight and re-inspect according to the requirements in paragraph (e)(2).

(f) Special Flight Permit

A one-time flight to a maintenance facility is permitted provided that the door is not opened in flight.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

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

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency AD No. 2011–0107, dated June 7, 2011. The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2013–0081, dated March 26, 2013. You may view the EASA AD in the AD docket on the Internet at *http://www.regulations.gov.*

(i) Subject

Joint Aircraft Service Component (JASC) Code: 5200, Doors.

Issued in Fort Worth, Texas, on July 15, 2013.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–17619 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0643; Directorate Identifier 2012–SW–096–AD]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Helicopters (Type Certificate Currently Held By AgustaWestland S.P.A) (AgustaWestland)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for AgustaWestland Model A109S, AW109SP, A119, and AW119 MKII helicopters to require removing certain rod end assemblies from service. This proposed AD is prompted by reports of fractures on the rod end assemblies that could damage the main rotor assembly and lead to loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by September 23, 2013.

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

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

Examining the AD Docket

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

For service information identified in this proposed AD, contact Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39– 0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817–222–5110; email *robert.grant@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2012–0208, dated October 5, 2012, to correct an unsafe condition for the AgustaWestland Model A109LUH, A109S, AW109SP, A119, and AW119 MKII helicopters. EASA advises that cases of in-flight fractures of rod end assembly, part number (P/N) M004–01H007–045, installed on main rotor lag dampers have been reported on Model A109LUH and AW109SP helicopters. An investigation revealed that two batches of rod end assemblies, P/N M004–01H007–041 and M004–01H007–045, could have cracks, according to EASA. EASA states that this condition, if not corrected, could lead to main rotor damage, possibly resulting in loss of control of the helicopter.

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

AgustaWestland issued Bollettino Tecnico (BT) No. 109S–49 for Model A109S helicopters, BT No. 109SP–052 for Model AW109SP helicopters, and BT No. 119–50 for Model AW119 and AW119 MKII helicopters. All of the BTs are dated October 3, 2012. The BTs specify a one-time inspection of each rod end assembly, P/Ns M004–01H007–041 and M004–01H007–045, to determine its serial number. The BTs then require removal from service of certain serial-numbered rod end assemblies because fractures had been reported on rod ends in these batches. According to the BTs, no one was injured in the helicopters and no helicopters were damaged because of these fractures.

Proposed AD Requirements

Within 25 hours time-in-service (TIS), this proposed AD would require removing each affected rod end assembly from service.

Differences Between This Proposed AD and the EASA AD

EASA requires compliance with the inspection and removal of any affected parts from service within 25 hours flight hours or three months. We propose to require removal of the affected parts from service within 25 hours TIS. The EASA AD applies to AgustaWestland Model A109LUH, and this proposed AD would not because that model has no U.S. type certificate.

Costs of Compliance

We estimate that this proposed AD would affect 91 helicopters of U.S.

Registry and that labor costs average $85 a work-hour. Based on these estimates, we expect the following costs:

• Replacing a rod end assembly would require 1.5 work-hours for a labor cost of $128. Parts would cost $3,918 for a total cost of $4,046 per helicopter, $368,186 for the U.S. fleet.

According to the manufacturer's service information, costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage by manufacturers. Accordingly, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Agusta S.p.A. Helicopters (Type Certificate Currently Held By Agustawestland S.p.A) (AgustaWestland): Docket No. FAA–2013–0643; Directorate Identifier 2012–SW–096–AD.

(a) Applicability

This AD applies to AgustaWestland Model A109S, AW109SP, A119, and AW119 MKII helicopters with a main rotor lag damper assembly (lag damper), part number (P/N) 109–0112–39–103, 109–0112–39–105, 109–0112–05–105, or 109–0112–05–107, installed with a rod end assembly, P/N M004–01H007–041 or M004–01H007–045, with a serial number (S/N) 84 through 132, or 4964 through 5011, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a rod end assembly, which could result in fracture of the rod end assembly, damage to the main rotor, and subsequent loss of control of the helicopter.

(c) Compliance

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

(d) Required Actions

(1) Within 25 hours time-in-service, remove the rod end assembly from service.

(2) Do not install a rod end assembly, P/N M004–01H007–041 or M004–01H007–045, with a S/N 84 through 132 or 4964 through 5011, on any helicopter.

(e) Special flight permit

Special flight permits are prohibited.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817–222–5110; email *robert.grant@faa.gov.*

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

(g) Additional Information

(1) AgustaWestland S.p.A. Helicopters Bollettino Tecnico No. 109S–49, No. 109SP–052, and No. 119–50, all dated October 3, 2012, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact AgustaWestland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39- 0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency AD No. 2012–0208, dated October 5, 2012. You may view the EASA AD at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0643.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6200, Main Rotor System.

Issued in Fort Worth, Texas, on July 17, 2013.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–17617 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0635; Directorate Identifier 2012–SW–081–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model EC225LP helicopters. This proposed AD

would require inspecting the swashplates for corrosion or a crack, and making the appropriate repairs or replacement of parts. This proposed AD is prompted by the discovery of corrosion on the swashplates when the main rotor hub (MRH) assemblies were reconditioned. The proposed actions are intended to detect corrosion or a crack in the swashplates, which could lead to failure of the swashplate and subsequent loss of helicopter control.

DATES: We must receive comments on this proposed AD by September 23, 2013.

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

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

Examining the AD Docket

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2012–0131, dated July 31, 2012, to correct an unsafe condition for Eurocopter Model EC225LP helicopters. EASA advises that corrosion has been reported on the rotating and stationary swashplates of the MRH assembly of several helicopters. This condition may cause cracks on the swashplates, which may cause failure of MRH parts and loss of control of the helicopter. The EASA AD requires repetitive inspections of the affected swashplates after two years and replacing the MRH assembly if a crack is found.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

We reviewed Eurocopter Alert Service Bulletin No. EC225–05A030, Revision 0, dated July 12, 2012 (ASB). The ASB states that while reconditioning the main rotor mast (MRM) assemblies, Eurocopter found corrosion on the rotating and stationary swashplates under the retaining flanges of the swashplate sub-assembly bearing. Over time, this corrosion could initiate a crack. The ASB specifies inspecting the MRM assembly for corrosion or a crack and replacing the MRM assembly if a crack or corrosion is found. The FAA and EASA use the term MRH assembly, while Eurocopter uses MRM assembly to describe the same section of the helicopter.

Proposed AD Requirements

This proposed AD would require:

Within 110 hours time-in-service (TIS) or before the MRH assembly accumulates 1,320 hours TIS, whichever occurs later, and thereafter at intervals not to exceed 1,320 hours TIS, visually inspecting the rotating and stationary swashplates for corrosion or a crack.

If a crack exists in the rotating or stationary swashplates, replacing the MRH assembly with an airworthy MRH.

If corrosion exists without any visual indication of cracking, doing the following: Before further flight, installing a placard stating ''NO FLIGHT IN OAT BELOW −30°C'' in the full view of the pilots and inserting the same statement in the Limitations Section, Section 2.3 Flight Envelope, Item 2 Temperature Limits, of the helicopter's Rotorcraft Flight Manual (RFM).

Within 150 hours TIS or 6 months after the inspection when the corrosion was first detected, whichever occurs first, replacing the MRH assembly with an airworthy assembly, removing any placard that states ''NO FLIGHT IN OAT BELOW −30°C'' from the helicopter, and removing any related limitation from the RFM.

Replacing an MRH assembly would not constitute terminating action for the repetitive inspections.

Costs of Compliance

We estimate that this proposed AD would affect three helicopters of U.S. Registry and that labor costs would average $85 per work-hour. Based on these estimates, we expect the following costs:

- Inspecting the rotating and stationary swashplates for corrosion or a crack would require 8 work-hours for a cost of $680 per helicopter and $2,040 for the U.S. fleet, per inspection cycle. Making and installing the placard

would require 0.5 work-hour, for a cost of $43 per helicopter. The labor cost of installing paper in the flight manual would be negligible for a helicopter.

• Replacing the MRH assembly would require 24 work-hours and parts would cost $5,000, for a total cost of $7,040 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

EUROCOPTER FRANCE HELICOPTERS (Eurocopter): Docket No. FAA–2013–0635; Directorate Identifier 2012–SW–081–AD.

(a) Applicability

This AD applies to Eurocopter Model EC225LP helicopters with a main rotor hub (MRH) assembly with a rotating swashplate, part number (P/N) 332A31–3074–00 or 332A31–3076–00, and stationary swashplate, P/N 332A31–3079–00 or 332A31–3079–01, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as corrosion or a crack in the stationary or rotating swashplate of the MRH assembly, which could lead to failure of the swashplate and subsequent loss of helicopter control.

(c) Compliance

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

(d) Required Actions

(1) Within 110 hours time-in-service (TIS) or before the MRH assembly accumulates 1,320 hours TIS, whichever occurs later, and thereafter at intervals not to exceed 1,320 hours TIS, visually inspect the rotating and stationary swashplates for corrosion or a crack by following the Accomplishment Instructions, paragraph 3.B.2 and Figures 1 through 3, of Eurocopter Alert Service Bulletin No. EC225–05A030, Revision 0, dated July 12, 2012 (ASB).

(2) If a crack exists in the rotating or stationary swashplates, replace the MRH assembly with an airworthy MRH.

(3) If corrosion exists without any visual indication of cracking, do the following:

(i) Before further flight, install a placard stating ''NO FLIGHT IN OAT BELOW −30 °C'' in the full view of the pilots and add the statement ''NO FLIGHT IN OAT BELOW −30 °C'' to the Operating Limitations Section of the helicopter's Rotorcraft Flight Manual (RFM) by making pen and ink changes or by inserting a copy of this AD in Section 2.3 Flight Envelope, Item 2 Temperature Limits.

(ii) Within 150 hours TIS or 6 months after the inspection when the corrosion was first detected, whichever occurs first, replace the MRH assembly with an airworthy assembly. Remove any placard that states ''NO FLIGHT IN OAT BELOW −30 °C'' from the helicopter and remove any related limitation from the RFM.

(4) Replacement of an MRH assembly does not constitute terminating action for the repetitive inspections required by paragraph (d)(1) of this AD.

(e) Alternative Methods of Compliance (AMOCs)

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

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

(f) Additional Information

The subject of this AD is addressed in the European Aviation Safety Agency (EASA) AD No. 2012–0131, dated July 31, 2012. You may view a copy of the EASA AD in the AD Docket on the Internet at *http://www.regulations.gov.*

(g) Subject

Joint Aircraft Service Component (JASC) Code: 6230, Main Rotor Mast/Swashplate.

Issued in Fort Worth, Texas, on July 11, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–17628 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0636; Directorate Identifier 2012–SW–065–AD]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Sikorsky Model S–70, S–70A, and S–70C helicopters. This proposed AD would establish a new life limit based

on a prorated formula for certain identified components (parts) installed on Model S–70, S–70A, and S–70C helicopters after being previously installed on certain military model helicopters. This proposed AD is prompted by the discovery that certain parts have been interchanged between military helicopter models with different life limits and the possibility that these same parts can be interchanged with civilian models with different life limits. The proposed actions are intended to establish a pro-rated in service life limit for each identified part to prevent fatigue failure of a part and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by September 23, 2013.

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

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Michael Davison, Flight Test Engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7156; email *michael.davison@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

We propose to adopt a new AD for Sikorsky Model S–70, S–70A and S–70C helicopters. Certain parts on Model S–70, S–70A, and S–70C helicopters are common to military Model UH–60M and SH–60B/F helicopters. These parts have identical part numbers. However, the part life limits may be different on the military models and are often lower due to higher usage and flight load spectrum. This proposed AD is prompted by the discovery that personnel at a military depot had installed military Model UH–60M parts on military Model UH–60A/L helicopters. Because the civilian Model S–70 series helicopters are derived from the military Model UH–60, it is possible that parts previously installed on military aircraft with a lower life limit could inadvertently be later installed on civil aircraft. This proposed AD would require establishing a pro-rated life limit for each affected part to account for the heavier usage when previously installed on the Model UH–60M or SH–60B/F. The proposed actions are intended to establish appropriate remaining in-service lives to identified parts to prevent fatigue failure of a part and subsequent loss of control of the helicopter.

FAA's Determination

We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition exists and is likely to exist or develop on other helicopters of this same type design.

Proposed AD Requirements

This proposed AD would require, within 25 hours time-in-service, inserting the component life prorating formula into the airworthiness limitation section of the maintenance manual or instructions for continued airworthiness, calculating the new life limit for each part by applying the formula, and establishing life limits for certain parts without applying the formula. Furthermore, the proposed AD would require updating the component log or equivalent record with the new in-service life limit. This proposed AD would also require replacing each part that has reached or exceeded its new life limit with an airworthy part. Lastly, this proposed AD would prohibit installing any applicable part on a Model S–70, S–70A, or S–70C helicopter if the number of hours is unknown and would prohibit installing certain parts on a Model S–70, S–70A, or S–70C helicopter if they have been previously installed on a Model UH–60M helicopter.

Costs of Compliance

We estimate that this proposed AD would affect 9 helicopters of U.S. Registry.

We estimate that the cost to insert the pages into the TM would be negligible.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on

the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Sikorsky Aircraft Corporation (Sikorsky): Docket No. FAA–2013–0636; Directorate Identifier 2012–SW–065–AD.

(a) Applicability

This AD applies to Model S–70, S–70A, and S–70C helicopters, certificated in any category, with the following parts installed:

(1) Spindle and liner assembly, part number (P/N) 38023–10374–041;

(2) Main Rotor Hub, P/N 70070–10046–055 and –056;

(3) Main Rotor Spindle nut, P/N 70102–08105–102;

(4) Main Rotor Control Horn, P/N 70102–08111–047;

(5) Main Rotor Hub, P/N 70103–08112–041 and –047;

(6) Rotating Swashplate, P/N 70104–08001–044 and –045;

(7) Main rotor Shaft Extension, P/N 70351–08186–043;

(8) Main Rotor Gear Box Housing, P/N 70351–38110–043, –044, and –045;

(9) Main Rotor Shaft, P/N 70351–38131–042;

(10) Output Bevel Gear and Shaft, P/N 70358–06620–101 and –102;

(11) Left Tie Rod Assembly, P/N 70400–08115–043, –045, –046, and –047;

(12) Forward Bellcrank Support Assembly, P/N 70400–08162–042;

(13) Lateral Servo Bellcrank, P/N 70400–08166–041; or

(14) Tail rotor Servo Assembly, P/N 70410–06520–044 through –046.

(b) Unsafe Condition

This AD defines the unsafe condition as a critical part remaining in service beyond its life limit due to previously being installed on a different helicopter model with higher usage and flight loads. This condition could result in fatigue failure of a critical part and subsequent loss of control of the helicopter.

(c) Comments Due Date

We must receive comments by September 23, 2013.

(d) Compliance

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

(e) Required Actions

(1) Within 25 hours time-in-service (TIS):

(i) Insert into the airworthiness limitation section of the maintenance manual or instructions for continued airworthiness the component life prorating formula in Section 1.1.3 of Sikorsky Technical Manual TM 1–70–23AW–2, Change 3, dated April 15, 2012.

(ii) Using the service life limits in Table 1 to paragraph (e) of this AD, apply the component life prorating formula and calculate the new life limit for each specified part. If the number of hours of a part is unknown, that part cannot be installed on a Sikorsky Model S–70, S–70A, or S–70C helicopter. Do not calculate a new life limit for the part where the Model SH–60 life limit is higher than the life limit on Models S–70, S–70A, and S–70C.

TABLE 1 TO PARAGRAPH (e)

P/N	Part description	S–70, S–70A, S–70C Service life	UH–60M Service life	SH–60B/F Service life
38023–10374–041	Spindle and Liner Assembly	8,000	6,400	10,000
70070–10046–055 and –056	Main Rotor Hub	5,100	3,100	N/A [1]
70102–08105–102	Main Rotor Spindle Nut	8,000	6,400	10,000
70102–08111–047	Main Rotor Control Horn	20,000/1,300 [2]/ 2,500 [2]	10,000	N/A [1]
70103–08112–041 and –047	Main Rotor Hub	5,100	3,100	N/A [1]
70104-08001-044-045	Rotating Swashplate	11,000	4,600	9,600
70351–08186–043	Main Rotor Shaft Extension	14,000	4,900	16,000
70351–38110–043, –044, and –045	Main Rotor Gear Box Housing	11,000	4,000	9,000
70351–38131–042	Main Rotor Shaft	17,000	5,200	19,000
70358–06620–101 and –102	Output Bevel Gear and Shaft	5,000	1,800	N/A [1]
70400–08115–043, –045, –046, and -047	Left Tie Rod Assembly	14,000	4,600	6,300
70400–08162–042	Forward Bellcrank Support Assembly	14,000/2,500 [3]	5,600	7,600
70400–08166–041	Lateral Servo Bellcrank	20,000	11,000	14,000
70410–06520–044 through –046	Tail Rotor Servo Assembly	15,000	11,000	N/A [1]

[1] There is no service life limit listed because the parts on Model SH–60B/F have a different P/N than the parts on Models S–70, S–70A, and S–70C.

[2] For serial number (S/N) 32479930 through 324791859, with CAGE code 60078, the life limit is 1,300 hours TIS.

For S/N A241–07543 through A241–07594, A241-07706 through A241–07755, A241-07768 through A241–07771, A241–07800 through A241–07831, R241–00101 through R241–00355, R241–00701 through R241-00966, and R241–01001 through R241-01166, the life limit is 2,500 hours TIS.

[3] For S/N A–367–00001 through A367–00035, with CAGE code 78286, the life limit is 2,500 hours TIS.

(iii) Record the newly-established life limit of each part on the part's component log card or equivalent record.

(2) After establishing the new life limit, replace each part that has reached or exceeded its new life limit with an airworthy part before further flight.

(3) Do not install the following parts on a Model S–70, S–70A, or S–70C helicopter if they have been previously installed on a Model UH–60M helicopter:

(i) Bolt, self retaining, P/N 70103–08801–102;

(ii) Bifilar, P/N 70107–08400–046; (iii) Aft Bellcrank, P/N 70400–08102–045;

(iv) Aft Walking Beam Assembly, P/N 70400–08104–048; or

(v) Close Tolerance Bolt, P/N 70400–26802–102 and –103.

(f) Alternative Methods of Compliance (AMOC)

(1) The Manager, Boston Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Michael Davison, Flight Test Engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7156; email *michael.davison@faa.gov.*

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

(g) Subject

Joint Aircraft Service Component (JASC) Code: 6220 Main Rotor Hub, 6230 Main Rotor Mast/Swashplate, 6320 Main Rotor Gearbox, 6310 Engine/Transmission Coupling, 6510 Tail Rotor Drive Shaft.

Issued in Fort Worth, Texas, on July 11, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–17629 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0637; Directorate Identifier 2013–SW–030–AD]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) for Sikorsky Model S–76A, B, and C helicopters. The existing AD currently requires inspecting the main rotor lower bifilar arm assembly (bifilar arm assembly) for a crack, and if there is a crack, replacing the bifilar arm assembly. The AD also requires a one-time test for the correct torque on the lug nuts, and if necessary, conducting torque stabilization tests. Since we issued that AD, Sikorsky has developed a terminating procedure for the inspections required by the existing AD. This proposed AD would retain the requirements of that AD, and would require replacing the main rotor hub (MRH) pilot with a different part-numbered MRH pilot, which would be terminating action for the requirements of the AD. The proposed actions are intended to prevent failure of a bifilar lug, damage to the main rotor control system, and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by September 23, 2013.

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

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

Examining the AD Docket

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

For service information identified in this proposed AD, contact Sikorsky Aircraft Corporation, Attn: Manager, Commercial Technical Support, mailstop s581a, 6900 Main Street, Stratford, CT 06614; telephone (800) 562–4409; email *tsslibrary@sikorsky.com;* or at *http://www.sikorsky.com.* You may review service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Nicholas Faust, Aviation Safety Engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7763; email *nicholas.faust@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

On October 26, 2005, we issued AD 2005–22–01, amendment 39–14345 (70 FR 61721) for Sikorsky Model S–76A, B, and C helicopters with an MRH pilot part number (P/N) 76103–08003–101 with 1,500 or more hours time-in-service (TIS) installed. The AD requires, every 50 hours TIS, inspecting the main rotor lower bifilar arm assembly in the attachment area around the lower bifilar lugs for a crack. If there is a crack, the AD requires replacing the bifilar arm assembly. If there is not a crack, the AD requires a one-time test for the correct torque on the lug nuts, and if necessary, conducting torque stabilization tests. The AD was prompted by four reports

of cracked bifilars. Those actions were intended to prevent failure of a bifilar lug, damage to the main rotor control system, and subsequent loss of control of the helicopter.

Actions Since Existing AD Was Issued

Since we issued AD 2005–22–01, Sikorsky issued Alert Service Bulletin 76–65–65, dated March 22, 2012 (ASB 76–65–65). ASB 76–65–65 specifies measuring the MRH diameter and, if the diameter is small, replacing the MRH pilot with a newly-redesigned MRH pilot. The new MRH pilot has a larger flange diameter that provides greater support for the bifilar assembly and reduces stress on the bifilar assembly attachment lugs. We propose to supersede AD 2005–22–01 to require installation of the large diameter MRH pilot as terminating action for the repetitive inspection requirements. These actions are intended to prevent failure of a bifilar lug, damage to the main rotor control system, and subsequent loss of control of the helicopter.

FAA's Determination

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

Related Service Information

Sikorsky issued S–76 Alert Service Bulletin (ASB) 76–65–62, dated December 14, 2004 (ASB 76–65–62), which describes procedures to inspect the lower bifilar assembly for a crack. We have also reviewed ASB 76–65–65, which specifies measuring the MRH diameter and, if the diameter is small, replacing the MRH pilot with a newly-redesigned MRH pilot with a larger flange diameter.

Proposed AD Requirements

This proposed AD would retain the repetitive inspection requirements of AD 2005–22–01, but would also require replacing the MRH pilot, P/N 76103–08003–101, with MRH pilot, P/N 76103–08003–102, as terminating action.

Costs of Compliance

We estimate that this proposed AD would affect 181 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. Inspecting the bifilar arm assembly would require about 4 work-hours, at an average labor rate of $85 per hour, for a cost per helicopter of $340 and a total cost to U.S. operators of $61,540.

Replacing a cracked bifilar arm assembly would require about 4 work-hours, at an average labor rate of $85 per hour, and required parts would cost about $19,727, for a cost per helicopter of $20,067.

Replacing the MRH pilot, P/N 76103–08003–101, with an MRH pilot, P/N 76103–08003–102, would require about 0.7 work-hour, at an average labor rate of $85 per hour, and required parts would cost about $1,043, for a cost per helicopter of $1,103 and a total cost to U.S. operators of $199,643.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2005–22–01, Amendment 39–14345 (70 FR 61721, October 26, 2005), and adding the following new AD:

Sikorsky Aircraft Corporation: Docket No. FAA–2013–0637; Directorate Identifier 2013–SW–030–AD.

(a) Applicability

This AD applies to Model S–76A, B, and C helicopters with a main rotor hub (MRH) pilot, part number (P/N) 76103–08003–101, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack on the MRH pilot bifilar assembly lug, which could result in failure of a bifilar lug, damage to the main rotor system, and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2005–22–01, Amendment 39–14345 (70 FR 61721, October 26, 2005).

(d) Comments Due Date

We must receive comments by September 23, 2013.

(e) Compliance

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

(f) Required Actions

(1) For MRH pilots with 1,500 or more hours time-in-service (TIS), within 50 hours TIS, and thereafter at intervals not to exceed 50 hours TIS, inspect the lower bifilar arm assembly for a crack in the lug attachment area. Conduct the inspection of the lower bifilar arm assembly by following the Accomplishment Instructions, paragraph 3.A.(1) through 3.A.(6), of Sikorsky Alert Service Bulletin No. 76–65–62, dated December 14, 2004 (ASB 76–65–62).

(i) If there is a crack on any bifilar assembly arm lug, before further flight, replace the bifilar arm assembly with an airworthy bifilar arm assembly.

(ii) If no crack is found at the initial inspection, perform a one-time torque test. Perform the torque test and the additional torque procedures as stated in the Accomplishment Instructions, paragraph 3.B.(1) through 3.B.(3), of ASB 76–65–62. The torque test is not required at the recurring inspection intervals of the lower bifilar arm assembly.

(iii) Within 600 hours TIS, replace the MRH pilot, P/N 76103–08003–101, with an MRH pilot, P/N 76103–08003–102.

(2) For MRH pilots with less than 900 hours TIS, prior to accumulating 1,500 hours TIS, replace the MRH pilot, P/N 76103–08003–101, with a MRH pilot, P/N 76103–08003–102.

(3) After the effective date of this AD, do not install an MRH pilot, P/N 76103–08003–101, on any helicopter.

(g) Special Flight Permit

Special flight permits will not be issued.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Nicholas Faust, Aviation Safety Engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7763; email *nicholas.faust@faa.gov.*

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

(i) Additional Information

For service information identified in this AD, contact Sikorsky Aircraft Corporation, Attn: Manager, Commercial Technical Support, mailstop s581a, 6900 Main Street, Stratford, CT 06614; telephone (800) 562–4409; email *tsslibrary@sikorsky.com*; or at *http://www.sikorsky.com.* You may review the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 6220: Main Rotor Head.

Issued in Fort Worth, Texas, on July 11, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–17631 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0634; Directorate Identifier 2012–SW–023–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Eurocopter Deutschland GmbH (Eurocopter) Model EC135P2+ and EC135T2+ helicopters. This proposed AD would require inspecting the mechanical air conditioning system compressor bearing block upper bearing (upper bearing) for corrosion, leaking grease, condensation, or water. This proposed AD is prompted by metallic debris from an upper bearing found in the air inlet areas of both engines in a Model EC135P2+ helicopter. The proposed actions are intended to prevent metallic debris from damaging the engine, causing loss of engine power, and subsequent loss of helicopter control.

DATES: We must receive comments on this proposed AD by September 23, 2013.

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

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

Examining the AD docket

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2011–0111R1, dated September 22, 2011, which revises EASA AD No. 2011–0111, dated June 10, 2011, to correct an unsafe condition for certain Model EC135P2+ and EC135T2+ helicopters. EASA

advises that metallic debris was found within the air inlet area of both engines during a pre-flight check of an EC135 P2+ helicopter. A subsequent investigation showed that the debris came from the bearing cage of a ball bearing in the air conditioning compressor bearing block, and it damaged the compressor stage of one of the engines to such an extent that the engine had to be overhauled, according to EASA.

EASA notes that as this mechanical air conditioning system was introduced recently on the production line, only a limited number of helicopters are affected. But if not detected and corrected, this unsafe condition ''could lead to further cases of bearing case failure, possibly resulting in loss of engine power and reduced control of the helicopter,'' EASA reports. EASA AD No. 2011–0111R1 requires repetitive inspections of the affected ball bearing for indications that the upper bearing is failing and, depending on the findings, deactivating the air conditioning system.

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

Eurocopter issued Emergency Alert Service Bulletin (EASB) EC 135–21A–013, Revision 0, dated June 6, 2011, to provide instructions for inspections after debris from the bearing cage of a ball bearing was found in the air inlet area of both engines of an EC135P2+ helicopter. Eurocopter followed the EASB with Service Bulletin (SB) EC 135–21–015, Revision 0, dated July 12, 2011, to introduce the replacement of the affected compressor bearing block with a ''new, improved'' compressor bearing block.

Proposed AD Requirements

This proposed AD would require, within 25 hours time-in-service (TIS), visually inspecting the upper bearing for corrosion, leaking grease, condensation or water—indications that the upper bearing is failing. If only condensation exists, the proposed AD would require repeating the inspection at intervals not to exceed 25 hours TIS. If none of those conditions exists, the proposed AD would require repeating the inspection at intervals not to exceed 100 hours TIS. If there is water, corrosion, or leaking grease, this proposed AD would require deactivating the air conditioning system.

Costs of Compliance

We estimate that this proposed AD would affect 1 helicopter of U.S. Registry and that labor costs would average $85 per work-hour. Based on these estimates, we expect the following costs:

- Inspecting the upper bearing for corrosion, leaking grease, condensation or water would require 4 work-hours for a labor cost of $340. No parts would be needed.
- Deactivating the air conditioning system would require 6 work-hours for a labor cost of $510. No parts would be needed.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Eurocopter Deutschland GmbH Helicopters: Docket No. FAA–2013–0634; Directorate Identifier 2012–SW–023–AD.

(a) Applicability

This AD applies to Model EC135P2+ and EC135T2+ helicopters, serial numbers 870, 872, 873, 879, 883, 884, 888, 893, 900, 905, 911, 914, 916, 917, 923, and 926, with a mechanical air conditioning system compressor bearing block upper bearing (upper bearing) part number L210M1872105 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as metallic debris in the engine inlet areas. This condition could result in failure of an engine, loss of engine power, and subsequent loss of helicopter control.

(c) Comments Due Date.

We must receive comments by September 23, 2013.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless accomplished previously.

(e) Required Actions

Within 25 hours time-in-service (TIS):

(1) Visually inspect the upper bearing for corrosion, leaking grease, condensation, or water.

(2) If there is condensation but no corrosion, leaking grease, or water, repeat

this inspection at intervals not to exceed 25 hours TIS.

(3) If there is no corrosion, leaking grease, condensation, or water, repeat this inspection at intervals not to exceed 100 hours TIS.

(4) If there is corrosion, leaking grease, or water, deactivate the air conditioning system in accordance with the Accomplishment Instructions, Section 3.B.3, Paragraphs (a) through (ai) of Eurocopter Emergency Alert Service Bulletin No. EC 135–21A–013, dated June 6, 2011.

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2011–0111R1, dated September 22, 2011. You may view a copy of the EASA AD in the AD Docket on the Internet at *http://www.regulations.gov.*

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2100, air conditioning system.

Issued in Fort Worth, Texas, on July 11, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–17632 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0945; Directorate Identifier 2010–SW–110–AD]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of the comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) for the Sikorsky Model S–70, S–70A, S–70C, S–70C (M), and S–70C (M1) helicopters with General Electric (GE) T700–GE–401C or T700–GE–701C engines installed, which proposed establishing new fatigue life limits for certain GE engine gas generator turbine (GGT) rotor parts. The proposed AD was prompted by a reevaluation of the method for determining the life limit for certain GE engine gas generator turbine (GGT) rotor parts and the determination that these life limits need to be based on low cycle fatigue (LCF) events instead of hours time-in-service. This action would retain the previously proposed requirements but correct the life limit formula for a certain GGT rotor part. The proposed actions are intended to prevent fatigue failure of a GGT rotor part, engine failure, and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by September 23, 2013.

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

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Michael Davison, Flight Test Engineer, New England Regional Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7156; fax: (781) 238–7170; email: *michael.davison@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

On August 30, 2012, we issued a notice of proposed rulemaking (NPRM) (77 FR 55166, September 7, 2012) for Sikorsky Model S–70, S–70A, S–70C, S–70C (M), and S–70C (M1) helicopters with GE T700–GE–401C or T700–GE–701C engines installed. The NPRM proposed to require establishing a new life limit for certain GGT rotor parts based upon the accumulated LCF events of the GGT rotor parts. The NPRM was prompted by the determination that the affected engines could fail due to fatigue unless the life limits of certain GE engine rotor parts are changed from hours time-in-service to LCF events. The GE T700–GE–701C engine is used in the military's UH–60 fleet. Analysis and experience with this engine have caused the military to reduce the life limit of certain GGT rotor parts and to revise their maintenance documentation to reflect these revised life limits. The Sikorsky Model S–70 helicopters are similar to the military's UH–60 fleet, some of which have been certificated by the FAA in the restricted category. The GE T700–GE–701C engine has not been type-certificated by the FAA for civil use, except to the extent that it is a part of a restricted category Model S–70 helicopter.

Actions Since Previous NPRM Was Issued

Since we issued the previous NPRM (77 FR 55166, September 7, 2012), we became aware that GE has issued T700 Turboshaft Engine Service Bulletin (ESB) 72–0041, Revision 1, dated March 12, 2010 (ESB 72–0041), to correct the formula under the ''T700–GE–401C Stage 2 Disk PN 6064T12P01/P03 LCF Limit Diagram'' in Figure 6. Other than this correction, the specifications in ESB 72–0041 remain the same.

This SNPRM proposes to retain the previously proposed requirements but apply the correct life limit formula depicted in Figure 6 of ESB 72–0041, Revision 1. Also, we are correcting a typographical error in the preamble of the previous NPRM in the ''Related Service Information,'' which referenced the ESB number as 72–041 rather than 72–0041. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment.

Comments

We gave the public the opportunity to comment on the original NPRM (77 FR 55166, September 7, 2012), but we did not receive any comments.

FAA's Determination

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

Proposed Requirements of the SNPRM

This SNPRM would retain the proposed requirements of the previous NPRM and would also propose inserting into the airworthiness limitations section of the maintenance manual or the instructions for continued airworthiness the figures contained in ESB No. T700 S/B 72–0041, Revision 1, dated March 12, 2010, instead of ESB No. T700 S/B 72–0041, dated October 1, 2008.

Costs of Compliance

We estimate that this proposed AD would affect 9 helicopters of U.S. registry. We estimate that operators may incur the following costs in order to comply with this AD: A minimal amount for work hours and labor costs because these parts are replaced as part of the periodic maintenance on the helicopter; a minimal amount of time to calculate the new retirement life; $360,000 to replace the GGT rotor parts per helicopter; and $3,240,000 to replace the GGT rotor parts for the entire U.S. operator fleet.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on 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 to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Sikorsky Aircraft Corporation: Docket No. FAA–2012–0945; Directorate Identifier 2010–SW–110–AD.

(a) Applicability

This AD applies to Model S–70, S–70A, S–70C, S–70C (M), and S–70C (M1) helicopters with General Electric (GE) T700–GE–401C or T700–GE–701C part-numbered engines, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a critical engine part remaining in service beyond its fatigue life because the current life limit is based on hours time-in-service (TIS) instead of fatigue cycles. This condition could result in fatigue failure of an engine rotor part, engine failure, and subsequent loss of control of the helicopter.

(c) Comments Due Date

We must receive comments by September 23, 2013.

(d) Compliance

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

(e) Required Actions

(1) Before further flight, insert into the airworthiness limitations section of the maintenance manual or instructions for continued airworthiness the low cycle fatigue (LCF) limit diagrams shown in Figures 2 through 7 (pages 9 through 14) of GE T700 Turboshaft Engine Service Bulletin (ESB) No. T700 S/B 72–0041, Revision 1, dated March 12, 2010, for helicopters with the GE T700–GE–401C engine, or Figures 2 through 4 (pages 10 through 12) of GE T700 Turboshaft ESB No. T700 S/B 72–0038, dated October 1, 2008, for helicopters with the GE T700–GE–701C engine. The diagonal line on each diagram represents the new cycle life limit (a combination of *full* low cycle fatigue events (LCF1) and *partial* low cycle fatigue events (LCF2) as those terms are defined in the Accomplishment Instructions, paragraphs 3.A.(1) and 3.A.(2) of each ESB) for each gas generator turbine (GGT) rotor part. A combination of LCF1 and LCF2, which results in a number below the diagonal line of the applicable diagram for each engine, indicates that the part has not reached its fatigue life limit.

(2) Before further flight:

(i) Obtain the actual LCF1 and LCF2 count from the engine ''history recorder'' (HR);

(ii) Calculate the LCF1 and LCF2 fatigue retirement life for each GGT rotor part as follows:

(A) Determine the *actual LCF ratio* by dividing the total actual LCF2 cycle count obtained from the HR by the total actual LCF1 cycle count obtained from the HR. Add to the actual counts from the HR any actual additional fatigue cycle incurred during any period in which the HR was inoperative.

(B) Determine the *LCF1 retirement life* by dividing the maximum number of LCF2 events obtained from the applicable diagram for each engine by the sum of the actual LCF ratio obtained by following paragraph (e)(2)(ii)(A) of this AD plus the quotient of the maximum number of LCF2 events from the applicable diagram for each engine divided by the maximum number of LCF1 events from the applicable diagram for each engine.

(C) Determine the *LCF2 retirement life* by multiplying the actual LCF ratio obtained by following paragraph (e)(2)(ii)(A) of this AD times the LCF1 retirement life determined by following paragraph (e)(2)(ii)(B) of this AD.

(iii) Replace each GGT rotor part that has reached the new fatigue cycle life limit with an airworthy rotor part.

(3) For helicopters with the GE T700–GE–401C engine, if you cannot determine the number of low cycle fatigue events manually from the HR or by combining both manual and HR counts, then the life limit for the GGT rotor part is the hours TIS for the part as shown in Table 1 of ESB No. T700 S/B 72–0041, dated August 21, 2009.

(4) Before further flight, begin or continue to count the full and partial low fatigue cycle events and record on the component card or equivalent record that count at the end of each day for which the HR is inoperative.

(f) Special Flight Permit

Special flight permits will not be issued to allow flight in excess of life limits.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Michael Davison, Flight Test Engineer, New England Regional Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7156; fax: (781) 238–7170; email: *michael.davison@faa.gov.*

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

(h) Additional Information

For service information identified in this AD, contact Sikorsky Aircraft Corporation, Attn: Manager, Commercial Technical Support, mailstop s581a, 6900 Main Street, Stratford, CT, telephone (800) 562–4409, email address *tsslibrary@sikorsky.com,* or at *http://www.sikorsky.com.* You may review a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 7250: Turbine Section.

Issued in Fort Worth, Texas, on July 11, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–17627 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205–AB61

Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program; Proposed Delay of Effective Date

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed delay of effective date; request for comments.

SUMMARY: The Department of Labor (Department) is proposing to delay indefinitely the effective date of the Wage Methodology for the Temporary Non-agricultural Employment H–2B Program final rule (2011 Wage Rule), in order to comply with recurrent legislation that prohibits the Department from using any funds to implement it, and to permit time for consideration of public comments sought in conjunction with an interim final rule published April 24, 2013, 78 FR 24047. The 2011 Wage Rule revised the methodology by which the Department calculates the prevailing wages to be paid to H–2B workers and United States workers recruited in connection with a temporary labor certification for use in petitioning the Department of Homeland Security to employ a nonimmigrant worker in H–2B status. The 2011 Wage Rule was originally scheduled to become effective on January 1, 2012, and the effective date has been extended a number of times, most recently to October 1, 2013.[1] The Department is now proposing to delay the effective date of the 2011 Wage Rule until such time as Congress no longer prohibits the Department from implementing the 2011 Wage Rule.

DATES: Comments must be received on or before August 9, 2013.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 1205–AB61, by any one of the following methods:

Federal e-Rulemaking Portal: www.regulations.gov. Follow the Web site instructions for submitting comments.

Mail or Hand Delivery/Courier: Please submit all written comments (including disk and CD–ROM submissions) to Michael Jones, Acting Administrator, Office of Policy Development and Research, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–5641, Washington, DC 20210.

Please submit your comments by only one method. Comments received by means other than those listed above or received after the comment period has closed will not be reviewed. The Department will post all comments received on *http://www.regulations.gov* without making any change to the comments, including any personal information provided. The *http://www.regulations.gov* Web site is the Federal e-rulemaking portal and all comments posted there are available and accessible to the public. The Department caution commenters not to include personal information such as Social Security Numbers, personal addresses, telephone numbers, and email addresses in their comments as such information will become viewable by the public on the *http://www.regulations.gov* Web site. It is the commenter's responsibility to safeguard his or her information. Comments submitted through *http://www.regulations.gov* will not include the commenter's email address unless the commenter chooses to include that information as part of his or her comment.

Postal delivery In Washington, DC, may be delayed due to security concerns. Therefore, the Department encourages the public to submit comments through the *http://www.regulations.gov* Web site.

Docket: For access to the docket to read background documents or comments received, go to the Federal eRulemaking portal at *http://www.regulations.gov.* The Department will also make all the comments received available for public inspection during normal business hours at the Employment and Training Administration (ETA) Office of Policy Development and Research at the above

[1] The effective date of the 2011 Wage Rule was previously revised to September 30, 2011, 76 FR 45667 (Aug. 1, 2011); to November 30, 2011, 76 FR 59896 (Sept. 28, 2011); to January 1, 2012, 76 FR 73508 (Nov. 29, 2011); to October 1, 2012, 76 FR 82115 (Dec. 30, 2011); to March 27, 2013, 77 FR 60040 (Oct. 2, 2012); and to October 1, 2013, 78 FR 19098 (Mar. 29, 2013).

address. If you need assistance to review the comments, the Department will provide you with appropriate aids such as readers or print magnifiers. The Department will make copies of the notice available, upon request, in large print and as an electronic file on computer disk. The Department will consider providing the notice in other formats upon request. To schedule an appointment to review the comments and/or obtain the notice in an alternate format, contact the ETA Office of Policy Development and Research at (202) 693–3700 (VOICE) (this is not a toll-free number) or 1–877–889–5627 (TTY/TDD).

FOR FURTHER INFORMATION CONTACT: William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, ETA, U.S. Department of Labor, 200 Constitution Avenue NW., Room C–4312, Washington, DC 20210; Telephone (202) 693–3010 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The Department of Labor published a final rule, Wage Methodology for the Temporary Non-agricultural Employment H–2B Program, on January 19, 2011. *See* 76 FR 3452 (the 2011 Wage Rule). The 2011 Wage Rule revised the methodology by which the Department calculates the prevailing wages to be paid to H–2B workers and United States (U.S.) workers recruited in connection with a temporary labor certification for use in petitioning the Department of Homeland Security to employ a nonimmigrant worker in H–2B status. The Department originally set the effective date of the 2011 Wage Rule for January 1, 2012. However, as a result of litigation and following notice-and-comment rulemaking, we issued a final rule, 76 FR 45667 (August 1, 2011), revising the effective date of the 2011 Wage Rule to September 30, 2011, and a second final rule, 76 FR 59896 (September 28, 2011), further revising the effective date of the 2011 Wage Rule to November 30, 2011.

Thereafter, the Department delayed the effective date of the 2011 Wage Rule until January 1, 2012, in light of the enactment on November 18, 2011, of the Consolidated and Further Continuing Appropriations Act, 2012, which provided that ''[n]one of the funds made available by this or any other Act for fiscal year 2012 may be used to implement, administer, or enforce, prior to January 1, 2012 the [Wage Rule].'' Public Law 112–55, 125 Stat. 552, Div. B, Title V, sec. 546 (Nov. 18, 2011) (the November 2011 Appropriations Act). In delaying the 2011 Wage Rule's effective date at that time, the Department stated that although the November 2011 Appropriations Act ''prevent[ed] the expenditure of funds to implement, administer, or enforce the [2011] Wage Rule before January 1, 2012, it [did] not prohibit the [2011] Wage Rule from going into effect, which [was] scheduled to occur on November 30, 2011.'' 76 FR 73508, 73509 (November 29, 2011). The Department explained that ''when the [2011] Wage Rule goes into effect, it will supersede and make null the prevailing wage provisions at 20 CFR 655.10(b) of the Department's existing H–2B regulations, which were promulgated under Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H–2B Workers), and Other Technical Changes; Final Rule, 73 FR 78020, Dec. 19, 2008 (the H–2B 2008 Rule).'' *Id.* Accordingly, the Department determined that it was necessary in light of the November 2011 Appropriations Act to delay the effective date of the 2011 Wage Rule to avoid the replacement of the wage provisions of the H–2B 2008 Rule with a new rule that the Department lacked appropriated funds to implement. Such an occurrence would have rendered the H–2B program inoperable because the issuance of a prevailing wage determination is a condition precedent to approving an employer's request for an H–2B labor certification. As a result, the Department issued a final rule, 76 FR 73508, which delayed the effective date of the 2011 Wage Rule until January 1, 2012.

Subsequent appropriations legislation [2] containing the same restriction prohibiting the Department's use of appropriated funds to implement, administer, or enforce the 2011 Wage Rule necessitated subsequent extensions of the effective date of that rule. *See* 76 FR 82115 (December 30, 2011) (extending the effective date to October 1, 2012); 77 FR 60040 (October 2, 2012) (extending the effective date to March 27, 2013); 78 FR 19098 (March 29, 2013) (extending the effective date to October 1, 2013). In light of the continued prohibitions on the expenditure of the Department's appropriated funds to implement, administer, or enforce the 2011 Wage Rule, the Department proposes to delay indefinitely the effective date of the 2011 Wage Rule until such time as the rule can be implemented.

Additionally, the Department, together with the Department of Homeland Security (the Departments),[3] recently promulgated an interim final rule (IFR), 78 FR 24047, establishing a new wage methodology. This action was taken in direct response to *Comite de Apoyo a los Trabajadores Agricolas (CATA)* v. *Solis,* __ F. Supp. 2d __, 2013 WL 1163426 (E.D. Pa. 2013) in which the district court vacated a provision of the H–2B 2008 rule, 20 CFR 655.10(b)(2). That provision required that prevailing wages based on the Occupational Employment Statistics (OES) survey contain tiers that are commensurate with the skill required for the job; the Department accordingly divided the Occupational Employment Survey wage applicable to the occupation in question into four tiers of wages to correspond to skill levels. The court vacated 20 CFR 655.10(b)(2), which was the basis for the four-tiered wage, and remanded the matter to the Department, ordering the Department to come into compliance with the court's order within 30 days.

In response to *CATA* v. *Solis,* the Departments issued the IFR on April 24, 2013. *See* 78 FR 24047. The Departments struck the phrase, ''at the skill level,'' from 20 CFR 655.10(b)(2), thus requiring prevailing wage determinations issued using the OES survey to be based on the mean wage for the occupation in the area of intended employment without tiers or skill levels. *See id.* at 24053. That revision became effective on April 24, 2013, the date of publication. The Departments requested comments on all aspects of the prevailing wage provisions of 20 CFR

[2] These include the Consolidated Appropriations Act of 2012, Public Law 112–74, 125 Stat. 786 (Dec. 23, 2011); Continuing Appropriations Resolution, 2013, Public Law 112–175, 126 Stat. 1313 (Sept. 28, 2012); and Consolidated and Further Continuing Appropriations Act, 2013, Public Law 113–6, 127 Stat. 198 (Mar. 26, 2013) (establishing DOL's appropriations through Sept. 30, 2013).

[3] The Department of Labor (DOL) and the Department of Homeland Security (DHS) issued the IFR jointly to dispel questions regarding the respective roles of the two agencies and the validity of DOL's regulations as an appropriate way to implement the interagency consultation specified in section 214(c)(1) of the INA, 8 U.S.C. 1184(c)(1). *See Bayou Lawn & Landscape Servs.* v. *Sec'y of Labor,* 713 F.3d 1080 (11th Cir. 2013) (holding that the Department of Labor lacks independent rulemaking authority under the INA to issue legislative regulations implementing its role in the H–2B program). *But see La. Forestry Ass'n* v. *Solis,* 889 F. Supp. 2d 711 (E.D. Pa. 2012) (rejecting claim that the Department of Labor lacks authority under the INA to administer the H–2B program through legislative rules). Due to these inconsistent court rulings about the Department of Labor's authority to issue independent legislative rules, the Department of Labor and DHS together issued the IFR revising the prevailing wage methodology in the H–2B program.

655.10(b), including, among other things, whether the OES mean is the appropriate basis for determining the prevailing wage; whether wages based on the Davis-Bacon Act (DBA), 40 U.S.C. 276a *et seq.,* 29 CFR part 1, or the McNamara-O'Hara Service Contract Act (SCA), 41 U.S.C. 351 *et seq.,* should be used to determine the prevailing wage, and if so to what extent; and whether to permit the continued use of employer-submitted surveys and ways to strengthen their methodology, if permitted. The comment period closed on June 10, 2013, and the Departments are in the process of reviewing those comments and determining whether further revision to 20 CFR 655.10(b) is warranted in light of public comment.

The confluence of the recurrent Congressional prohibition against implementation of the 2011 Wage Rule, which the Department anticipates will continue, and the Department's current review and consideration of suggestions made in the comments associated with the IFR, which revised wage provisions of the H–2B regulations that were also the subject of the 2011 Wage Rule, require the indefinite delay of the effective date of the 2011 Wage Rule. Were the 2011 Wage Rule to become effective, it would supplant the revisions made to 20 CFR 655.10(b) in the IFR, which were necessary in light of the court's order in *CATA* v. *Solis.* In that event, the Department would likely continue to be unable to implement the 2011 Wage Rule, based on the continuation of the Congressional prohibition on its implementation. However, should Congress lift the prohibition against implementation of the 2011 Wage Rule, the Department would need time to assess the current regulatory framework, to consider any changed circumstances, novel concerns or new information received, and to minimize disruptions.

Until such time as Congress no longer prohibits the Department from implementing the 2011 Wage Rule, the effective date of the 2011 Wage Rule should be delayed. In the event that Congress no longer prohibits implementation of the 2011 Wage Rule, the Department would publish a document in the **Federal Register** within 45 days apprising the public of the status of 20 CFR 655.10 and the effective date of the 2011 Wage Rule. The Department invites comment on the proposed indefinite delay of the effective date of the 2011 Wage Rule.

Signed: at Washington, DC, this 18 of July, 2013.

Eric Seleznow,

Acting Assistant Secretary for Employment and Training.

[FR Doc. 2013–17676 Filed 7–18–13; 4:15 pm]

BILLING CODE 4510–FP–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4000, 4006, 4007, and 4047

RIN 1212–AB26

Premium Rates; Payment of Premiums; Reducing Regulatory Burden

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: The Pension Benefit Corporation (PBGC) proposes to make its premium rules more effective and less burdensome. Based on its regulatory review under Executive Order 13563 (Improving Regulation and Regulatory Review), PBGC proposes to amend its regulations on Premium Rates and Payment of Premiums to simplify due dates, coordinate the due date for terminating plans with the termination process, make conforming and clarifying changes to the variable-rate premium rules, provide for relief from penalties, and make other changes. Large plans would no longer have to pay flat-rate premiums early; small plans would get more time to value benefits. These amendments would be effective starting 2014. PBGC also proposes to amend its regulations in accordance with the Moving Ahead for Progress in the 21st Century Act.

DATES: Comments must be submitted on or before September 23, 2013.

ADDRESSES: Comments, identified by Regulation Identifier Number (RIN) 1212–AB26, may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Email: reg.comments@pbgc.gov.*
- *Fax:* 202–326–4112.
- *Mail or Hand Delivery:* Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

All submissions must include the Regulation Identifier Number for this rulemaking (RIN 1212–AB26). Comments received, including personal information provided, will be posted to *www.pbgc.gov.* Copies of comments may also be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington DC 20005–4026, or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Assistant General Counsel for Regulatory Affairs (*klion.catherine@pbgc.gov*), or Deborah C. Murphy, Senior Counsel (*murphy.deborah@pbgc.gov*), Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington DC 20005–4026; 202–326–4024. (TTY and TDD users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Executive Summary—Purpose of the Regulatory Action

This rulemaking is needed to make PBGC's premium rules more effective and less burdensome. The proposed rule simplifies and streamlines due dates, coordinates the due date for terminating plans with the termination process, makes conforming changes to the variable-rate premium rules, clarifies the computation of the premium funding target, reduces the maximum penalty for delinquent filers that self-correct, and expands premium penalty relief.

PBGC's legal authority for this action comes from section 4002(b)(3) of the Employee Retirement Income Security Act of 1974 (ERISA), which authorizes PBGC to issue regulations to carry out the purposes of title IV of ERISA, and section 4007 of ERISA, which gives PBGC authority to set premium due dates and to assess late payment penalties.

Executive Summary—Major Provisions of the Regulatory Action

Due Date Changes

Premium due dates currently depend on plan size. Large plans pay the flat-rate premium early in the premium payment year and the variable-rate premium later in the year. Mid-size plans pay both the flat- and variable-rate premiums by that same later due date. Small plans pay the flat- and variable-rate premiums in the following year. PBGC proposes to simplify the due-date rules by providing that all annual premiums for plans of all sizes will be

due on the same day in the premium payment year—the historical variable-rate premium due date. The following table shows how 2014 due dates would change for calendar-year plans.

Plan size	Current regulation		Proposal
	Flat-rate premium	Variable-rate premium	Entire premium
Large	2/28/2014	10/15/2014	10/15/2014
Mid-size	10/15/2014	10/15/2014	10/15/2014
Small	4/30/2015	4/30/2015	10/15/2014

For a plan terminating in a standard termination, the final premium may come due months after the plan closes its books and thus be forgotten. Correcting such defaults is inconvenient for both plans and PBGC. To forestall such problems, PBGC proposes to set the final premium due date no later than the last day the post-distribution certification can be submitted without penalty. Conforming changes to other due date rules are also proposed.

Variable-Rate Premium Changes

Some small plans determine funding level too late in the year to be able to use current-year figures for the variable-rate premium by the new uniform due date. To address this problem, PBGC proposes that small plans generally use prior-year figures for the variable-rate premium.

To facilitate the due date changes, no variable-rate premium would generally be owed for a plan's first year of coverage or for the year in which a plan completed a standard termination.

In response to inquiries from pension practitioners, PBGC proposes to clarify the computation of the premium funding target for plans in ''at-risk'' status for funding purposes.

Penalty Changes

PBGC assesses late premium payment penalties at 1 percent per month for filers that self-correct and 5 percent per month for those that do not. The differential is to encourage and reward self-correction. But both penalty schedules have the same cap—100 percent of the underpayment—and once the cap is reached, the differential disappears. To preserve the self-correction incentive and reward for long-overdue premiums, PBGC proposes to reduce the 1-percent penalty cap from 100 percent to 50 percent.

PBGC also proposes to codify in its regulations the penalty relief policy for payments made not more than seven days late that it established in a **Federal Register** notice in September 2011 and to give itself more flexibility in exercising its authority to waive premium penalties.

Other Changes

PBGC also proposes to amend its regulations to accord with the Moving Ahead for Progress in the 21st Century Act and to avoid retroactivity of PBGC's rule on plan liability for premiums in distress and involuntary terminations.

Background

PBGC administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Under ERISA sections 4006 and 4007, plans covered by the program must pay premiums to PBGC. PBGC's premium regulations—on Premium Rates (29 CFR part 4006) and on Payment of Premiums (29 CFR part 4007)—implement ERISA sections 4006 and 4007.

On January 18, 2011, the President issued Executive Order 13563, ''Improving Regulation and Regulatory Review,'' to ensure that Federal regulations seek more affordable, less intrusive means to achieve policy goals, and that agencies give careful consideration to the benefits and costs of those regulations. In response to and in support of the Executive Order, PBGC on August 23, 2011, promulgated its Plan for Regulatory Review,[1] noting several regulatory areas—including premiums—for immediate review. Small-plan premium due date issues, and penalties for premium filings made just past the deadline, were identified in the regulatory review plan as being among the promising candidates for action.

On September 15, 2011,[2] and February 9, 2012,[3] PBGC published policy notices implementing some of the premium initiatives discussed in the regulatory review plan. In the September 15 notice, PBGC announced (among other things) that—based on its review and on comments from premium payers and pension professionals—it would waive premium late-payment penalties that are assessed solely because premium payments are late by not more than seven calendar days. The February 9 notice created a limited-time penalty relief program for plans that had never paid required premiums.

PBGC has continued its review of its premium regulations and has identified other ways to simplify and clarify the regulations, reduce burden, provide penalty relief, and generally make the regulations work better. This proposed rule would amend the premium regulations to implement those improvements (and to codify the seven-day policy announced in the September 15 notice). Public comment on this proposal will help PBGC determine whether its regulation review process is moving in the right direction. PBGC will continue to review its regulations with a view to developing more ideas for improvement.

Introduction

The premium regulations were amended, for plan years beginning after 2007, to conform to changes in the statute made by the Pension Protection Act of 2006 (PPA 2006). The amendments changed how premiums are computed and paid.

There are two kinds of annual premiums.[4] The flat-rate premium is based on the number of plan participants, determined as of the participant count date. The participant count date is generally the last day of the plan year preceding the premium payment year; in some cases, however (such as for plans that are new or are involved in certain mergers or spinoffs), the participant count date is the first day of the premium payment year. The variable-rate premium (which applies only to single-employer plans) is based on a plan's unfunded vested benefits (UVBs)—the excess of its premium funding target over its assets. The premium funding target and asset values are determined as of the plan's UVB valuation date for the premium payment

[1] See *http://www.pbgc.gov/documents/plan-for-regulatory-review.pdf.*

[2] See 76 FR 57082, *http://www.pbgc.gov/Documents/2011-23692.pdf.*

[3] See 77 FR 6675, *http://www.pbgc.gov/Documents/2012-3054.pdf.*

[4] There is also a termination premium, which would be unaffected by this proposed rule.

year, which is the same as the valuation date used for funding purposes for that year. In general, the UVB valuation date is the beginning of the premium payment year, but some small plans (with fewer than 100 participants) may have UVB valuation dates as late as the end of the year.

Under ERISA section 4007, premiums accrue until plan assets are distributed in a standard termination or a failing plan is taken over by a trustee. A plan undergoing a standard termination is exempt from the variable-rate premium for any plan year after the year in which the plan's termination date falls.[5] This proposed rule reflects the provision in Rev. Rul. 79–237 (1979–2 C.B. 190) that minimum funding standards apply only until the end of the plan year that includes the termination date.

Section 4007 authorizes PBGC to set premium due dates and assess penalties for failure to pay premiums timely. Before 2008, all variable-rate premiums were due 9½ calendar months after the beginning of the premium payment year (October 15 for calendar-year plans). Most flat-rate premiums were also due on that date. However, flat-rate premiums for large plans (those with 500 or more participants) were due two calendar months after the beginning of the premium payment year (the end of February for calendar-year plans).[6] Most large plans estimate this premium because they find it impractical to count participants that quickly after the participant count date.

The PPA 2006 amendments to the premium regulations changed the variable-rate premium due date for small plans (those with fewer than 100 participants) to four months after the end of the premium payment year to accommodate their statutory option under PPA 2006 to value benefits as late as the end of the year. The participant count date, on which the flat-rate premium is based, remained the same for small plans as for other plans, so that small plans needed no extra time to determine the flat-rate premium. Nonetheless, for simplicity, small plans' flat-rate premium due date was made the same as the variable-rate due date.

Late payment penalties accrue at the rate of 1 percent or 5 percent per month of the unpaid amount, depending on whether the underpayment is ''self-corrected'' or not. Self-correction refers to payment of the delinquent amount before PBGC gives written notice of a possible delinquency. Penalties are capped by statute at 100 percent of the unpaid amount. Recognizing that most large plans pay an estimate of the flat-rate premium at the early due date and ''true up'' when they pay the variable-rate premium later in the year, the premium payment regulation provides an elaborate system of safe harbors from late-payment penalties for estimated large-plan flat-rate premiums.

Due Date Proposals

Uniform Due Dates for Plans of All Sizes

The historical variable-rate premium due date—9½ months after the beginning of the premium payment year—was established by PBGC in 1998[7] to correspond with the extended due date for the annual report for the prior year that is filed on Form 5500. Coordination of the premium and Form 5500 due dates promotes consistency and simplicity and avoids confusion and administrative burden. PBGC now proposes to eliminate the current system of three premium due dates that depend on plan size and premium type and return to that historical due date for both flat- and variable-rate premiums of plans of all sizes. For calendar-year plans, the due date would be October 15.

Eliminating large plans' special flat-rate premium due date would eliminate the need for the complex penalty safe harbor rules that now apply to underestimates of the flat-rate premium.[8] And for many large plans, it would cut the number of filings by two, rather than just one. That is because underestimating the flat-rate premium gives rise not only to penalties (which can be waived) but also to interest (which cannot be waived). Thus, after paying an estimate of the flat-rate premium, and then paying the balance due, a large plan must make yet another payment, of the interest on the amount by which its initial estimated payment fell short of the correct amount. Eliminating the need for flat-rate premium estimates would eliminate interest payments on shortfalls in those estimates.

For small plans, the unified due date proposal raises a timing issue. As noted above, the current small-plan due date comes after the premium payment year is over because some small plans value benefits at the end of the year and thus cannot calculate variable-rate premiums by a due date that falls within the year. (For example, a small calendar-year plan that values benefits as of December 31 cannot determine the premium by the preceding October 15, the historical due date that this proposal would return to.) PBGC's proposed solution to this timing problem is for small plans to determine the variable-rate premium using data from the year before the premium payment year. This solution is discussed in more detail under the heading *''Look-Back'' Rule for Small Plans,* below.

The premium payment regulation provides an option for paying an estimate of the variable-rate premium at the due date and ''truing up'' within 6½ months without penalty. The availability of this option is currently restricted to mid-size and large plans. With the elimination of different due dates based on plan size, the option would be available to plans of any size. PBGC expects that very few small plans will take advantage of the option, since in virtually all cases, the variable-rate premium will be known by the uniform due date. PBGC requests comments on whether extending this option to small plans would on balance be beneficial or create undue opportunity for error and attendant inconvenience. For example, a filer that inadvertently designated a filing as estimated would be contacted by PBGC if a timely reconciliation filing was not made.

The change to a uniform due date would mean that plan consultants could do all premium and Form 5500 filing chores at one time, once a year. PBGC would receive all premium filings for each plan year at one time, specific to that year, and would be able to process a plan's entire annual premium in a single operation. Going from three due dates to one would be simpler for all concerned—even for mid-size plans, whose due date would not change. Simpler rules mean shorter and simpler filing instructions—instructions that PBGC must update annually and that plan administrators of plans of all sizes must read, understand, and follow. Less complexity means less chance for mistakes and the time and expense of correcting them. Moving to one uniform due date would also simplify PBGC's premium processing systems and save PBGC money on future periodic changes to those systems (because it is less expensive to modify simpler systems).

In short, PBGC believes that this change would produce a significant reduction in administrative burden for both plans and PBGC. It would also shift the earnings on premium payments between plans and PBGC for the time

[5] See *Exemption for Standard Terminations,* below.

[6] This requirement was adopted in response to a recommendation in the 1984 report of the Grace Commission (the President's Private Sector Survey on Cost Control). See PBGC final rule at 50 FR 12533 (Mar. 29, 1985).

[7] See 63 FR 68684 (Dec. 14, 1998).

[8] See discussion under the heading *Flat-rate safe harbors,* below.

between the old and new due dates, but overall, plans would gain.[9]

Terminating Plans' Due Date

The foregoing discussion focuses on the normal due dates for annual premiums. There are also special due date rules for new and newly covered plans and for plans that change plan year. But there is no special due date provision for terminating plans—and yet such plans pose a special problem, because their final premium due date may come months after all benefits have been distributed and their books have been closed. Although the standard termination rules require that provision be made for PBGC premiums,[10] PBGC's experience is that once the sometimes-difficult process of distributing benefits is over—and with the premium due date often months in the future—plan administrators may simply forget about premiums and consider their work done. Months later, when PBGC contacts them after they fail to file, it is typically an inconvenience, and sometimes an annoyance, to go back to (or reconstruct) the records to calculate and pay premiums—and interest and penalties, because the due date has been missed.

With a view to ensuring that final-year premiums are routinely paid for plans undergoing standard terminations, PBGC proposes to change the due date to bring it within the standard termination timeline.[11] The final event in the standard termination timeline is the filing of the post-distribution certification under § 4041.29 of PBGC's regulation on Plan Terminations (29 CFR part 4041). The plan administrator of a terminating plan must file the certification (on PBGC Form 501) within 30 days after the last benefit distribution date, but no late filing penalty is assessed if the filing is within 90 days after the distribution deadline under § 4041.28(a) of the termination regulation. The proposed rule provides that the premium due date for a terminating plan's final year would be the earliest of (1) the normal premium due date, (2) the last date by which the post-distribution certification can be filed without penalty, or (3) the date when the post-distribution certification is actually filed.

Because the final year premium filing would not be required any earlier than 90 days after distributions were complete, and the normal premium due date (under the unified due date proposal) would be nine-and-a-half months after the plan year begins, only plans closing out in the first six-and-a-half months of the final year would face an accelerated premium deadline. For plans closing out in the last five-and-a-half months of the final year, the normal premium due date would come before the last date by which the post-distribution certification could be filed without penalty.

The 90 days (or more) between the completion of final distributions and the accelerated premium deadline would also give a plan at least that much time to determine the flat-rate premium (which is based on the participant count at the end of the prior year). For a terminating plan, counting participants should be relatively easy. Because it is in the process of providing benefits for (or for the survivors of) each participant, a terminating plan must necessarily have a roster of all participants. By simply subtracting from the roster the participants who received distributions before the participant count date, the plan can determine the participant count.

Computing a variable-rate premium in three months might be more challenging, but under this proposal it would not be necessary. If the termination date for a standard termination is before the beginning of the final plan year, the existing regulation provides an exemption from the variable-rate premium for the final year. PBGC is proposing to expand this exemption to apply to a plan's final year, even if the termination date comes during that year.[12] Thus, the final-year premium would be flat-rate only. This change would provide relief for the significant number of plans that close out in the same year in which their termination dates fall (as indicated by PBGC data on the number of plans that pay variable-rate premiums for the final year).

Advancing the premium due date for some terminating plans would shift earnings on the premiums from those plans to PBGC. But some of those plans should enjoy reduced administrative expenses (and possibly save on late charges) because the advanced deadline will prompt them to prepare premium filings while files are open for paying benefits. And some plans would avoid paying a final-year variable-rate premium under PBGC's proposed expansion of the exemption for plans doing standard terminations.[13]

On balance, PBGC believes that there should be no net cost to plans and significant administrative benefits for PBGC. PBGC invites suggestions from the public about other approaches to the problem of terminating plans' final-year premiums that this change is aimed at.

New Plan Due Date Modifications

As noted above, the existing premium payment regulation includes a special due date provision for new and newly covered plans. PBGC proposes to make two technical modifications to this provision in support of the primary changes it is proposing in this rule.

The first modification would be to restore—for newly covered plans—the alternative due date of 90 days after title IV coverage begins. This alternative was available before the PPA 2006 amendments to the premium regulations, but those amendments set newly covered plans' normal due date four months after the end of the premium payment year—and thus more than 90 days after the latest possible coverage date. This made the alternative due date superfluous, and it was removed. Now that PBGC is proposing to return the normal due date to 2½ months before the end of the plan year, it will again be possible for a plan's coverage date to be too late in the premium payment year to make filing by the normal due date feasible. Hence the restoration of this alternative due date.

The second modification would provide an alternative due date for a subset of plans that would be excluded from the normal rule—discussed briefly above and in detail below[14]—that small plans would base the variable-rate premium on prior-year data. This subset would consist of new small plans resulting from non-*de minimis* consolidations and spinoffs. These plans would have to pay a variable-rate premium based on current-year data.[15] But being small, a plan in this subset might have a UVB valuation date too late in the premium payment year to enable the plan to meet the normal filing deadline. The alternative due date provided by this second modification to the new-plan due date provision would be 90 days after the UVB valuation date, to give any such plan time to calculate

[9] See *Uniform Due Dates* under Executive Orders 12866 and 13563, below, for detailed discussion of costs and benefits.

[10] See 29 CFR 4041.28(b).

[11] See p. 3 of the Standard Termination Filing Instructions, *http://www.pbgc.gov/documents/500_instructions.pdf.*

[12] See *Final-Year Variable-Rate Premium Exemption,* below.

[13] See *Final-Year Due Date* under Executive Orders 12866 and 13563, below, for detailed discussion of costs and benefits.

[14] See *''Look-Back'' Rule for Small Plans,* below.

[15] See *First-Year Variable-Rate Premium Exemption,* below.

the variable-rate premium.[16] While the circumstances in which this due date extension would apply may arise infrequently, PBGC invites comment as to whether the extension would be adequate in situations where it did apply.

Variable-Rate Premium Proposals

''Look-Back'' Rule for Small Plans

As noted in the discussion of the unified due date proposal above, some small plans value benefits too late in the premium payment year to be able to compute variable-rate premiums by the proposed new uniform due date, which is 2½ months before the end of the premium payment year. To solve this problem, PBGC proposes to have small plans determine UVBs, on which variable-rate premiums are based, by looking back to data for the prior year.[17] Because a new plan does not have a prior year to look back to, PBGC proposes to provide an exemption from the variable-rate premium for new small plans. This new variable-rate premium exemption is discussed in more detail under *First-Year Variable-Rate Premium Exemption* below.

The term ''UVB valuation year'' would be used in the text of the regulation to mean the year that the plan administrator looks to for the UVBs used to calculate the variable-rate premium for the premium payment year. As a general rule, the UVB valuation year would be the plan year preceding the premium payment year for small plans, and would be the premium payment year for other plans. (Using the term ''UVB valuation year'' avoids the need to have the regulation describe two versions of all the UVB determination rules—one version for small plans and a second version for the others.)

This ''look-back'' rule would apply only to the variable-rate premium, not to the flat-rate premium. The participant count on which the flat-rate premium is based is determined not as of the UVB valuation date but as of the participant count date. This date is still the same as it was before PPA 2006, when small plans' premium due date was the historical date that this proposed rule would reinstate for them (October 15 for calendar-year plans). From the perspective of the flat-rate premium, the proposal returns small plans to their situation before PPA 2006, and no special accommodation is needed.

Plans Subject to Look-Back Rule

In general, PBGC proposes to have the look-back rule apply to any plan with a participant count for the premium payment year of up to 100, or a funding valuation date that is not at the beginning of the premium payment year. Thus the ''small plans'' to which the proposed look-back rule would apply would be a slightly different group, compared to the ''small plans'' whose premium due date is currently four months after the end of the plan year. The difference in approach reflects the difference in the implications of plan size under the current and proposed premium payment regulations. In the current regulation, all plans have the same UVB valuation year, and plan size determines due date; under the proposed rule, all plans would have the same due date, and plan size would generally determine UVB valuation year (*i.e.,* whether the look-back rule applies).

The current regulation bases plan size on the participant count for the year before the premium payment year, so that plans can determine well in advance whether they are large and thus required to pay the flat-rate premium early in the year. New plans (which have no prior year) are treated as small, which means that they pay their first-year premiums according to the small-plan payment schedule, regardless of size. Newly covered plans are grouped with new plans. If a new or newly covered plan in fact covers more than 100 participants, it enjoys the luxury of the delayed small-plan due date for its first year, but the most PBGC can be said to have ''lost'' is 6½ months' interest on the premium.

Under the look-back proposal, in contrast, if a new plan covering more than 100 participants were treated as small, PBGC would lose not just interest but the whole variable-rate premium. For some new plans—particularly those created by consolidation or spinoff—this could be a very substantial sum. To avoid this unintended consequence of the look-back rule, which is meant for plans that are genuinely small, PBGC proposes to base the small-plan category on the participant count for the premium payment year rather than the preceding year. This change would be possible because eliminating the early flat-rate premium due date for large plans would eliminate the pressure to determine plan size early in the premium payment year. By the time a plan needed to know whether it was small (and thus subject to the look-back rule), it would have had plenty of time to determine its participant count.

Changing from the prior year's to the current year's participant count would bring PBGC's definition of ''small plan'' into closer alignment with the statutory category of plans eligible to use non-first-day-of-the-year valuation dates.[18] The somewhat complex statutory definition counts participants in the prior year,[19] and PBGC's participant count date for the current year is generally the last day of the prior year. To improve the correspondence with the statutory provision, PBGC proposes to change from its current small-plan numerical size range (fewer than 100 participants) to the numerical size range in the statute (100 or fewer participants).

PBGC wants every plan that in fact has a non-first-day-of-the-plan-year valuation date to be included in the definition of ''small plan'' that the look-back rule applies to. But because of the complexity of the statutory category of plans eligible to use non-first-of-the-year valuation dates, PBGC is reluctant to match its ''small plan'' definition closely to every aspect of that statutory category. PBGC's proposed solution is to combine a simple ''small plan'' concept with a ''catch-all'' clause. Accordingly, PBGC proposes to apply the look-back rule to any plan that has a participant count of 100 or fewer for the premium payment year or that in fact has a funding valuation date for the premium payment year that is not the first day of the year.[20]

PBGC also considered having the look-back rule apply only to plans that

[16] To give any plan with a deferred due date adequate time to reconcile an estimated variable-rate premium, the reconciliation date would key off the due date rather than the premium payment year commencement date. For a normal due date, the reconciliation date would remain the same.

[17] This proposal revives a concept that was in the premium regulations before PPA 2006: the alternative calculation method, which permitted plans to determine UVBs by ''rolling forward'' prior-year data using a set of complex formulae. No ''rolling forward'' or other modification of prior-year data are involved in the approach that PBGC now proposes.

[18] The currently defined small plan category corresponds only approximately with the category of plans permitted by statute to use non-first-day-of-the-plan-year valuation dates. See preamble to PBGC's final PPA 2006 premium rule, 73 FR 15065 at 15069 (Mar. 21, 2008).

[19] ERISA section 303(g)(2)(B) provides that ''if, on each day during the preceding plan year, a plan had 100 or fewer participants, the plan may designate any day during the plan year as its valuation date for such plan year and succeeding plan years. For purposes of this subparagraph, all defined benefit plans which are single-employer plans and are maintained by the same employer (or any member of such employer's controlled group) shall be treated as 1 plan, but only participants with respect to such employer or member shall be taken into account.'' ERISA section 303(g)(2)(C) provides additional rules dealing with predecessor employers and providing that a plan may qualify as ''small'' for its first year based on reasonable expectations about its participant count during that year.

[20] As discussed above, new plans resulting from non-*de minimis* consolidations and spinoffs would be excluded from the look-back provision.

actually have non-first-day-of-the-plan-year valuation dates, or only to plans eligible to elect such dates under the statute. PBGC rejected the former course because it believes that all small plans will prefer the look-back rule and rejected the latter course because of the complexity of the statutory description of plans eligible to make the valuation date election. PBGC invites public comment on whether there is an alternative to the proposed approach that would be preferable.

Effects of Due Date and Look-Back Proposals

PBGC's look-back proposal has the advantage that it would permit use of a much more convenient premium due date, and it avoids the use of complicated mathematical manipulations aimed at making the prior-year figures more reflective of current conditions. For small plans, the combination of the new due date and the look-back rule would mean not only that the premium due date would align with the Form 5500 due date (as typically extended), but that the due dates that would align would correspond to the same valuation. The following table illustrates, for filings due October 15, 2014, how the alignment of valuations and due dates for small plans would differ from the alignment for other plans.

	Premium payment year	UVB valuation year	5500 valuation year
Small plans	2014	2013	2013
Other Plans	2014	2014	2013

Thus, not only would small plans enjoy the convenience of a convergence between the premium and Form 5500 due dates, but the due dates that converged would be tied to the same valuation. This would accommodate the desire of many small plan sponsors to defer the plan valuation until after the beginning of the year following the valuation date, when profits and taxes can be computed.

For small plans, this combined due-date and look-back proposal has basically the same result as if the current small-plan due date (four months after the end of the premium payment year) were extended for 5½ months without a look-back. For example, consider the following table comparing PBGC's combined proposal with a 5½-month due date extension (without a look-back) for a calendar-year plan:

	Premium payment year	UVB valuation year	Due date
PBGC's proposal	2014	2013	October 15, 2014.
Due date extension without look-back	2013	2013	October 15, 2014.

In both cases, the premium due October 15, 2014, is based on UVBs determined for 2013. The difference is that under PBGC's proposal, the premium is being paid for 2014, whereas if the due date has been extended 5½ months, the premium is being paid for 2013.

PBGC in fact considered the alternative of extending the due date 5½ months for small plans. But premium filings contain, in addition to premium data, other data that PBGC uses to help determine the magnitude of its exposure in the event of plan termination, to help track the creation of new plans and transfer of participants and plan assets and liabilities among plans, and to keep PBGC's insured-plan inventory up to date. It is important that these data be as current as possible. Furthermore, PBGC decided it was administratively simpler to have all premium filings for a year be due in that year—avoiding (for example) the need to determine whether a filing made October 15, 2014, was for 2014 or 2013.

The comparison of the advanced and deferred due date approaches shows why it is not clear how to analyze the financial impact of PBGC's proposal. On the one hand, the change can be viewed as a simple acceleration of the premium due date, with small plans losing 6½ months' interest on their annual premium payments. On the other hand, it can be viewed as a deferral of the due date (with small plans gaining 5½ months' interest on their premiums each year) preceded by a one-time ''extra'' premium in the transition year.[21] For purposes of the analyses in this preamble of the effects of the changes for small plans, PBGC views the due date as being accelerated rather than deferred.

Under the look-back proposal, small plans would pay variable-rate premiums based on year-old data. Plans might view this either positively or negatively, depending on whether UVBs were trending up or down; using year-old data to compute variable-rate premiums shifts by one year the effect of changes in those data, which are typically modest but may at times be dramatic. And for the first year to which the look-back rule applies, small plans' variable-rate premiums would be based on the same UVBs as for the year before, which each small plan might consider either beneficial or detrimental depending on its circumstances. PBGC invites comment on whether this approach is a matter of concern and suggestions for mitigating any such concern.

In response to a request for suggestions from the public in connection with its review of its regulations,[22] PBGC received a letter from an organization representing retirement plan professionals (involved primarily with small plans) requesting that the small-plan due date be changed, suggesting that it would be efficient to coordinate with the Form 5500 due date, and reiterating previous requests that small plans be given more time to complete valuations. Judging from this and other comments and questions to PBGC from pension practitioners, PBGC anticipates that the small-plan community will welcome this proposal. PBGC invites comments from small plans and their sponsors and consultants on the proposed change and

[21] In the transition year (using a calendar-year plan as an example), PBGC's proposal would result in two premium payments: one at the end of April for the prior year, and one in mid-October for the current year. (In the transition year for the existing due date system, small plans made no premium payments.) Under a simple due date extension, there would not be two due dates within the same year.

[22] See 76 FR 18134 (Apr. 1, 2011), *http://www.pbgc.gov/documents/2011–7805.pdf.*

whether there are other approaches that might be more effective.

First-Year Variable-Rate Premium Exemption

The look-back rule faces the difficulty, noted above, that a new plan does not have a prior year to look back to. The typical new plan has no vested benefits, and so would owe no variable-rate premium with or without the look-back rule. But some new plans do have UVBs—for example, newly created plans that grant past-service credits. This circumstance creates a dilemma: it may be impossible for a small plan to base its first year's premium on its first year's UVBs (because its valuation date may be too late in the year), but neither can it look back to prior-year UVBs (because it has no prior year). To resolve this problem, PBGC proposes to provide an exemption from the variable-rate premium for small plans that are new or newly covered.[23] PBGC considers it reasonable to forgo variable-rate premiums from a few new small plans in the interest of greatly simplifying its premium due date structure.[24]

However, PBGC considers plans created by consolidation or spinoff to be new plans. To avoid creating an incentive to sponsors of underfunded small plans to turn them (in effect) into new plans by spinoff or consolidation, simply to avoid paying variable-rate premiums, PBGC proposes to exclude from this variable-rate premium exemption any new small plan that results from a non-*de minimis* consolidation or spinoff. These consolidated or spunoff plans would not be subject to the look-back rule, but would instead base their variable-rate premiums on current-year data, with an alternative due date available (as discussed above) to provide time to calculate the premium where the UVB valuation date was late in the premium payment year.

Final-Year Variable-Rate Premium Exemption

Although the existing regulation exempts a plan in a standard termination from the variable-rate premium for any plan year beginning after the plan's termination date,[25] it is possible to carry out a standard termination so that the termination date and final distribution come within the same plan year. In that case, the plan is subject to the variable-rate premium—based on underfunding of vested benefits—for the very year in which it demonstrates, by closing out, that its assets are sufficient to satisfy not merely all vested benefits but all non-vested benefits as well.

As mentioned above, PBGC proposes to expand the existing regulation's exemption from the variable-rate premium to include the year in which a plan closes out, regardless of when the termination date is. Like the existing exemption, the new exemption would be conditioned on completion of a standard termination. If the exemption were claimed in a premium filing made before (but in anticipation of) close-out, and close-out did not in fact occur by the end of the plan year, the exemption would be lost, and the variable-rate premium would be owed for that year (with late charges).

As noted above, variable-rate premium amounts not owed because of this change in the variable-rate premium exemption would significantly offset costs attributable to the revised final-year due date rule for plans in standard terminations, to which this change is related.[26]

Premium Funding Target for Plans in At-Risk Status for Funding Purposes

ERISA section 4006(a)(3)(E) makes the funding target in ERISA section 303(d) (with modifications) the basis for the premium funding target. The definition of ''funding target'' in section 303(d) in turn incorporates the provisions of ERISA section 303(i)(1), dealing with ''at-risk'' plans. (A plan is in ''at-risk'' status if it fails certain funding-status tests.) ERISA section 303(i)(5) provides for transitioning between normal and at-risk funding targets and thus ameliorates the effects of section 303(i)(1). Although neither section 303(d) nor section 303(i)(1) refers explicitly to section 303(i)(5), PBGC believes that section 303(i)(5) clearly applies to the determination of the premium funding target. PBGC proposes to add a provision to the premium rates regulation clarifying this point.

ERISA section 303(i)(1)(A)(i) requires the use of special actuarial assumptions in calculating an at-risk plan's funding target, and section 303(i)(1)(A)(ii) requires that a ''loading factor'' be included in the funding target of an at-risk plan that has been at-risk for two of the past four plan years. The loading factor, described in section 303(i)(1)(C), is the sum of (i) an additional amount equal to $700 times the number of plan participants and (ii) an additional amount equal to 4 percent of the funding target determined as if the plan were not in at-risk status.

In response to inquiries from pension practitioners, PBGC proposes to amend the premium rates regulation to clarify the application of the loading factor to the calculation of the premium funding target for plans in at-risk status.

The statutory variable-rate premium provision refers explicitly to the defined term ''funding target,'' which for at-risk plans clearly includes the section 303(i)(1) modifications. PBGC thus considers it clear that all of the at-risk modifications must be reflected in the premium funding target. And considering that the funding target and the premium funding target are so closely analogous, it seems natural that for premium purposes, the 4 percent increment referred to in section 303(i)(1)(C)(ii) should be taken to mean 4 percent of the premium funding target determined as if the plan were not in at-risk status.

But for premium purposes, the term ''participant'' in the loading factor provision is ambiguous. Because the premium funding target reflects only vested benefits, while the funding target reflects all accrued benefits, there is a suggestion that the term ''participant'' should in the premium context be understood to refer to vested participants. But many participants are partially vested (as in plans with graded vesting) or are vested in one benefit but not another (for example, vested in a lump-sum death benefit but not in a retirement annuity) and thus are not clearly either vested or non-vested. Furthermore (putting vesting aside), the premium regulations (§ 4006.6 of the premium rates regulation) and the Internal Revenue Service's regulation on special rules for plans in at-risk status (26 CFR 1.430(i)–1(c)(2)(ii)(A)) count participants differently.

PBGC proposes to resolve the statutory ambiguity by providing that the participant count to use in calculating the loading factor to be reflected in the premium funding target is the same participant count used to compute the load for funding purposes. This solution has the advantage that it avoids introducing new participant-counting rules and does not impose on

[23] Newly covered plans are often not subject to the funding rules, on which the premium rules are based, for the year that would be their look-back year. It is possible for a newly covered plan to have been in existence as a covered plan for a portion of the preceding year. Such a plan would have a look-back year and would not need an exemption from the variable-rate premium. In the interest of simplicity, PBGC's proposed first-year variable-rate premium exemption would ignore this rare possible situation.

[24] Between 2008 and 2011, about 65 new small plans per year paid total average variable-rate premiums of a little over $82,000—less than 2 percent of total average annual new-plan variable-rate premiums.

[25] See *Exemption for Standard Terminations,* below.

[26] See *Final-Year Due Date* under Executive Orders 12866 and 13563, below, for detailed discussion of costs and benefits.

filers the burden of determining two different participant counts for two similar purposes. PBGC solicits suggestions from the public for alternative approaches to calculating the participant-based portion of the loading factor.

Penalties

Lowering the Self-Correction Penalty Cap

The difference between the normal penalty rate of 5 percent per month and the self-correction rate of 1 percent per month provides an incentive to self-correct and reflects PBGC's judgment that those that come forward voluntarily to correct underpayments deserve more lenient treatment than those that PBGC ferrets out through its premium enforcement programs. But because the penalty is capped at 100 percent of the underpayment regardless of the rate it accrues at, a plan that self-corrects after 100 months pays the same penalty as if it had been tracked down by PBGC. PBGC occasionally encounters situations in which—typically when there is a change in plan sponsor or plan actuary—a plan with a long history of underpaying or not paying premiums ''comes in from the cold.'' PBGC believes that in fairness to such filers (and to persuade others to emulate them), the maximum penalty for self-correctors should be substantially less than that for those that do not self-correct.[27]

To preserve the self-correction penalty differential for long-overdue premiums, PBGC proposes to cap the self-correction penalty at 50 percent of the unpaid amount. While this will reduce PBGC's penalty income in these cases, acceptance of the reduction is consistent with the view of penalties as a means to encourage compliance, rather than as a source of revenue. PBGC invites public comment on other ways to encourage, and appropriately recognize, self-correction of long-ago failures to pay premiums.

Expansion of Penalty Waiver Authority

The premium payment regulation and its appendix include many specific penalty waiver provisions that provide guidance to the public about the circumstances in which PBGC considers waivers appropriate—circumstances such as reasonable cause and mistake of law. To deal with unanticipated situations that nevertheless seem to warrant penalty relief, § 4007.8(d) refers to the policy guidelines in the appendix, and § 21(b)(5) of the appendix says that PBGC may waive all or part of a premium penalty if it determines that it is appropriate to do so, and that PBGC intends to exercise this waiver authority only in narrow circumstances.

In reviewing the circumstances where it has exercised its waiver authority, PBGC has concluded that the term ''narrow'' may not capture well the scope of that exercise and may thus be misleading. To avoid an implication that PBGC considers its waiver authority more narrowly circumscribed than in fact it does, PBGC proposes to remove the sentence about narrow circumstances from the appendix.

Codification of Seven-Day Penalty Waiver Rule

On September 15, 2011 (at 76 FR 57082), PBGC published a policy notice announcing (among other things) that for plan years beginning after 2010, it would waive premium payment penalties assessed solely because premium payments were late by not more than seven calendar days.

In applying this policy, PBGC assumes that each premium payment is made seven calendar days before it is actually made. All other rules are then applied as usual. If the result of this procedure is that no penalty would arise, then any penalty assessed on the basis of the actual payment dates is waived.

PBGC proposes to codify this policy in the premium payment regulation.

Removal of Unneeded Flat-Rate Safe Harbors

As discussed above, the premium payment regulation includes several somewhat complex ''safe harbor'' provisions to relieve penalties for large plans' late payment of the correct flat-rate premium that is due early in the premium payment year, two months after the participant count date.

If, as PBGC is proposing, the large-plan flat-rate due date is moved back to later in the premium payment year, when other premiums are due, the penalty safe harbors for under-estimates of large plans' flat-rate premiums will no longer be necessary. Accordingly, PBGC is proposing to eliminate the flat-rate safe harbor provisions from the premium payment regulation.

Other Changes

Variable-Rate Premium Cap

Before amendment to conform to statutory changes made by PPA 2006, PBGC's premium regulations used the same date for counting participants for purposes of the flat-rate premium and for determining UVBs for purposes of the variable-rate premium. This date was (generally) ''the last day of the plan year preceding the premium payment year.''

When PBGC amended the premium regulations to conform to PPA 2006, the amendments provided that in general, UVBs were to be determined as of a different date from the date used to count participants. Thus references in the regulations to ''the last day of the plan year preceding the premium payment year'' in some cases were changed to refer to ''the participant count date'' and in other cases were changed to refer to ''the UVB valuation date.''

The regulatory provision dealing with the variable-rate premium cap for plans of small employers includes two references to ''the last day of the plan year preceding the premium payment year'' that should have been amended to refer to ''the participant count date'' but were overlooked. This proposed rule would correct the variable-rate premium cap provision to remedy this oversight.

Exemption for Standard Terminations

When PBGC added to the premium regulations the exemption from the variable-rate premium for plans terminating in standard terminations, it stated that the exemption would apply to ''a standard termination with a proposed termination date during a plan year preceding the premium payment year.'' (See preamble to final rule, 54 FR 28950 (July 10, 1989).) In the text of the regulation, this requirement was expressed by requiring that the proposed termination date be on or before ''the last day of the plan year preceding the premium payment year''—the same words used to identify the date as of which participants were to be counted for purposes of the flat-rate premium and the date as of which UVBs were to be determined for purposes of the variable-rate premium.

When PBGC amended the premium regulations to conform to statutory changes made by PPA 2006, as described above, the phrase ''the last day of the plan year preceding the premium payment year'' in the standard termination exemption from the variable-rate premium should have been left unchanged. Instead, it was inadvertently amended to read ''the UVB valuation date.'' This proposed rule would correct the exemption to require that the proposed termination date be ''before the beginning of the premium payment year,'' which will

[27] PBGC took a step in this direction with its policy notice of February 9, 2012 (see discussion under Background above). However, the waiver of all penalties announced in that notice applied only for a limited time and only to plans that had never paid premiums.

also make the provision clearer and simpler.[28]

Liability for Premiums in Distress and Involuntary Terminations

The premium payment regulation provides that a single-employer plan does not have an obligation to pay premiums if the plan is the subject of distress or involuntary termination proceedings, with a view to conserving plan assets in such situations. The premium payment obligation then falls solely on the plan sponsor's controlled group. The current regulation (§ 4007.12(b)) focuses on the plan year for which a premium is due; the plan's obligation is tolled with respect to premiums for the year in which the termination is initiated and future years.

PBGC has encountered cases in which plan administrators have used plan assets to pay premiums for which the plans had no obligation because termination proceedings began later in the plan year, after payment was made. To address this problem, PBGC proposes to revise § 4007.12(b) so that a plan's obligation to pay premiums ceases when termination proceedings begin—an event of which the plan administrator will have notice—at which time the premium payment obligation falls solely on the plan sponsor's controlled group.

This change would not affect the amount of premiums due. It would reduce administrative burden by making it easier for a plan administrator to determine whether the plan has an obligation to make a premium payment.

Definition of newly covered plan—

The current definition of newly covered plan excludes new plans. In rare cases, a new plan might not initially be covered by title IV of ERISA and might then become covered later in its first year of existence. PBGC proposes to revise the definition to remove the exclusion of new plans so that in the case described, the plan would be a newly covered plan (as well as a new plan) and thus entitled to prorate its premium based on its coverage date (as newly covered plans are permitted to do) rather than its effective date (as new plans are permitted to do).

Changes Related to MAP–21

On July 6, 2012, the President signed into law the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141). MAP–21 included provisions about PBGC premiums that, without the need for implementing action by PBGC, have already become effective.[29] PBGC proposes to amend the premium rates regulation in accordance with MAP–21.

Under sections 40221 and 40222 of MAP–21, effective for plan years beginning after 2012, each flat or variable premium rate has a different annual inflation adjustment formula, and the variable-rate premium is limited by a cap with its own annual inflation adjustment. Because of the multiplicity and complexity of the inflation adjustment formulas, PBGC has concluded that it would not be useful to repeat the statutory premium rate rules in the premium rates regulation. PBGC proposes instead to replace existing premium rate provisions with statutory references and simply announce each year the new rates generated by the statutory rate formulas.

Effective for plan years beginning after 2011, section 40211 of MAP–21 establishes a ''segment rate stabilization'' corridor for certain interest assumptions used for funding purposes but provides (in section 40211(b)(3)(C)) for disregarding rate stabilization in determining PBGC variable-rate premiums. PBGC proposes to revise the description of the alternative premium funding target to make clear that it is determined using discount rates unconstrained by the segment rate stabilization rules of MAP 21.

Editorial Changes

PBGC proposes to revise the language that describes the ''reconciliation'' date—associated with the penalty waiver for underestimation of the variable-rate premium—to clarify that the waiver does not require a particular state of mind (of the plan administrator, sponsor, actuary, or other person) regarding the correctness or ''finality'' of the estimate. This clarification is not substantive but merely reflects the fact that (as noted in the preamble to the existing regulation) the waiver is provided ''in recognition of the possibility that circumstances might make a final UVB determination by the due date *difficult* or impossible'' (73 FR 15069 (emphasis supplied)).

The proposed rule would also make some other non-substantive editorial changes, including provision of an additional example, deletion of anachronistic text, and addition of a definitional cross-reference.

Conforming Changes to Other Regulations

PBGC's regulation on Restoration of Terminating and Terminated Plans (29 CFR part 4047) has a cross-reference to § 4006.4(c) of the premium rates regulation, which used to describe the alternative calculation method for determining the variable-rate premium[30] but no longer does so. To avoid confusion, PBGC is removing the obsolete cross-reference.

The proposed rule would delete from PBGC's regulation on Filing, Issuance, Computation of Time, and Record Retention (29 CFR part 4000) a provision that parallels anachronistic text that is being deleted from the premium rates regulation.

Applicability

Except as explained below, PBGC proposes to make the amendments in this proposed rule applicable for 2014 and later plan years.

PBGC proposes to make the change to the liability for premiums in distress and involuntary terminations applicable to terminations with respect to which the plan administrator issues the first notice of intent to terminate or the PBGC issues a notice of determination on or after the effective date of the final rule.

MAP–21 became effective on July 6, 2012. The MAP–21 changes to premium rates are applicable for 2013 and later plan years. The clarification to the definition of the alternative premium funding target after MAP–21 is applicable for 2012 and later plan years.

Executive Orders 12866 and 13563

PBGC has determined, in consultation with the Office of Management and Budget, that this rulemaking is a ''significant regulatory action'' under Executive Order 12866. The Office of Management and Budget has therefore reviewed this notice under Executive Order 12866.

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This

[28] As discussed above, PBGC proposes to broaden the scope of this exemption to include the year in which a standard termination is completed, regardless of the timing of the termination date.

[29] Technical Update 12–1, *http://www.pbgc.gov/res/other-guidance/tu/tu12-1.html* provides guidance on the effect of MAP–21 on PBGC premiums.

[30] The alternative calculation method is also described in the premium filing instructions for years to which it applies.

proposed rule is associated with retrospective review and analysis in PBGC's Plan for Regulatory Review issued in accordance with Executive Order 13563.

Regulatory Impact Analysis

Executive Orders 12866 and 13563 require that a comprehensive regulatory impact analysis be performed for any economically significant regulatory action, which, under Section 3(f)(1) of Executive Order 12866, is one that ''is likely to result in a rule that may . . . [h]ave 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.''

PBGC premium payments are included as receipts in the Federal budget, and the large-plan flat-rate premium deferral will cause a one-time shift of about $1 billion (attributable primarily to calendar year plans) from one fiscal year to the next. Although no premium revenue will be lost, there will be the appearance of a one-time loss for the year when the due dates change, and PBGC has therefore determined that this proposed rule is economically significant under the criteria in Executive Order 12866. In accordance with OMB Circular A–4, PBGC has examined the economic and policy implications of this proposed rule and has concluded that the action's benefits justify its costs. That conclusion is based on the following analysis of the impact of the proposed due date changes.[31] (The other proposed changes are not economically significant.)

Uniform Due Dates

PBGC estimates that the reduction in administrative burden attributable to adoption of its unified due date proposal translates into average annual savings of 3 hours for each large plan and 1 hour and 10 minutes for each small plan. (PBGC arrived at these estimates on the basis of inquiries made to pension practitioners.) The dollar equivalent of this saving is about $1,050 for a large plan and about $400 for a small plan.[32]

The uniform due date proposal would also shift the earnings on premium payments between plans and PBGC for the time between the old and new due dates. Because earning rates differ between PBGC and plans,[33] the losses and gains would not balance out exactly. But the amounts would be relatively small, and overall, plans would gain.

The most significant earnings shift would be that filers would gain 7½ months' interest on large plans' flat-rate premiums. Based on 2010 data, PBGC estimates that the average gain per large plan might be nearly $8,000 per year. (PBGC's loss would be about one-third as much.)[34] To put this figure in perspective, large plans account for almost all of PBGC's flat-rate premium income—about $1.19 billion (out of a total of about $1.24 billion) for 2010.

The earnings shift for small plans would be virtually negligible. The analysis is not as straightforward because of the concomitant shift from current-year to prior-year data. See the discussion under the heading *Combined Effects of Due Date and Look-Back Proposals,* above. But based again on 2010 data, and assuming a 6½-month advance in the small-plan due date and a plan earnings rate of 6 percent, small plans in the aggregate would lose about $830,000 a year—on average, about $50 per plan. (PBGC's gain would be about one-third the amount lost by plans.)[35] A plan's lost interest earnings would be proportional to its premium; the premium may vary widely among plans, and thus the loss may do the same.

Accordingly, PBGC foresees an average net benefit (in dollar terms) from its uniform due date proposal of about $9,050 for each large plan and about $350 for each small plan.

Final-Year Due Date

Advancing the premium due date for some terminating plans would also shift earnings on the premiums from plans to PBGC. Since plans that do standard terminations are almost all small, the amounts involved are also small. For the 2010 plan year, the average small single-employer plan paid a flat-rate premium of less than $700. On average (over the period 2001–2010), fewer than 1,350 plans terminate each year. About 730 plans would have their final-year due dates advanced by an average of 3¼ months; for the rest (about 620), the due date would not be advanced. Thus on average, the proposal would require payment of the premium about 53 days early. At a rate of 6 percent, 53 days' interest on an average flat-rate premium of $700 is about $6. For larger plans, the average figure using the same methodology would be almost $1,100. But so few larger plans do standard terminations[36] that the average earnings loss for plans of all sizes would be only about $80 per plan, with a total estimated loss of $110,000.

On the other hand, there should be some savings to plans arising from payment of the final-year premium while plan books and records are still open and in use for paying benefits—as opposed to later, when they would have to be found and reopened. If one-tenth of final-year filers (135 plans) each saved one hour of actuarial time at an average of $350 per hour, the total savings would be over $47,000 (or, if averaged over all plans, about $35 per plan).

Further, PBGC data for the 2011 plan year show an aggregate of about $75,000 in variable-rate premiums paid by plans that completed standard terminations during the year. This represents an estimate of the savings to plans under

[31] The analysis is based on the following premium data for the 2010 plan year:

Multi:

Small:
- Number of plans 29
- Flat-rate premium 15,865

Mid-size:
- Number of plans 280
- Flat-rate premium 751,292

Large:
- Number of plans 1,134
- Flat-rate premium 91,950,881

Single:

Small:
- Number of plans 16,027
- Flat-rate premium 11,157,676
- Variable-rate premium 14,384,475

Mid-size:
- Number of plans 4,459
- Flat-rate premium 37,039,342
- Variable-rate premium 48,133,809

Large:
- Number of plans 4,577
- Flat-rate premium 1,098,754,335
- Variable-rate premium 1,074,057,949

[32] PBGC assumes for this purpose that enrolled actuaries charge about $350 per hour.

[33] PBGC estimates its rate of return, from investment in U.S. Government securities, at about 2 percent. PBGC estimates plans' rate of return at 6 percent.

[34] The following table shows potential changes in interest earnings calculated with four rates: two percent (our best estimate for PBGC's rate of return), six percent (our best estimate for plans' rate of return), and three and seven percent (the discount rates recommended by OMB Circular A–4).

Possible (2010 data) approximate average gain or loss per large plan at—

- 2 percent $2,600.
- 3 percent $4,000.
- 6 percent $8,000.
- 7 percent $9,000.

[35] The following table shows potential changes in interest earnings calculated with four rates: two percent (our best estimate for PBGC's rate of return), six percent (our best estimate for plans' rate of return), and three and seven percent (the discount rates recommended by OMB Circular A–4).

Possible (2010 data) approximate average gain or loss per small plan at—

- 2 percent $17.
- 3 percent $25.
- 6 percent $50.
- 7 percent $60.

[36] For 2011, only about 7 percent of standard terminations involved plans with more than 100 participants.

the proposed expansion of the standard termination variable-rate premium exemption. The savings would of course be realized only by the small minority of terminating plans that would owe variable-rate premium in their final year in the absence of this proposal. Averaged over all plans closing out in a year, however, the savings would be about $55 per plan.

Regulatory Flexibility Act

The Regulatory Flexibility Act imposes certain requirements with respect to rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a proposed rule is not likely to have a significant economic impact on a substantial number of small entities, section 603 of the Regulatory Flexibility Act requires that the agency present an initial regulatory flexibility analysis at the time of the publication of the proposed rule describing the impact of the rule on small entities and seeking public comment on the impact. Small entities include small businesses, organizations and governmental jurisdictions.

Small Entities

For purposes of the Regulatory Flexibility Act requirements with respect to this proposed rule, PBGC considers a small entity to be a plan with fewer than 100 participants. This is substantially the same criterion used to determine what plans would be subject to the look-back rule under the proposal, and is consistent with certain requirements in title I of ERISA [37] and the Internal Revenue Code,[38] as well as the definition of a small entity that the Department of Labor (DOL) has used for purposes of the Regulatory Flexibility Act.[39] Using this proposed definition, about 64 percent (16,700 of 26,100) of plans covered by title IV of ERISA in 2010 were small plans.[40]

Further, while some large employers may have small plans, in general most small plans are maintained by small employers. Thus, PBGC believes that assessing the impact of the proposal on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of small entity considered appropriate for this purpose differs, however, from a definition of small business based on size standards promulgated by the Small Business Administration (13 CFR 121.201) pursuant to the Small Business Act. PBGC therefore requests comments on the appropriateness of the size standard used in evaluating the impact of the proposed rule on small entities.

Certification

On the basis of its proposed definition of small entity, PBGC certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the amendments in this proposed rule will not have a significant economic impact on a substantial number of small entities. Accordingly, as provided in section 605 of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), sections 603 and 604 do not apply. This certification is based on PBGC's estimate (discussed above) that the proposed change to uniform due dates would create an average annual net economic benefit for each small plan of about $350. This is not a significant impact. PBGC invites public comment on this assessment.

Paperwork Reduction Act

PBGC is submitting the information requirements under this proposed rule to the Office of Management and Budget for review and approval under the Paperwork Reduction Act. The collection of information under the premium payment regulation is currently approved under OMB control number 1212–0009 (expires December 31, 2013). Copies of PBGC's request may be obtained free of charge by contacting the Disclosure Division of the Office of the General Counsel of PBGC, 1200 K Street NW., Washington, DC 20005, 202–326–4040. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC is proposing only small changes in the data filers are required to submit. A plan's filing would be required to state whether the plan was a new small plan created by non-*de minimis* consolidation or spinoff (to which special rules apply) and to indicate if an exemption from the variable-rate premium was claimed under one of the proposed new exemption rules. Other changes would be to the filing instructions, clarifying how to calculate premiums and setting forth the new due date rules.

PBGC needs the information in a premium filing to identify the plan for which the premium is paid to PBGC, to verify the amount of the premium, to help PBGC determine the magnitude of its exposure in the event of plan termination, to help PBGC track the creation of new plans and the transfer of plan assets and liabilities among plans, and to keep PBGC's inventory of insured plans up to date. PBGC receives premium filings from about 25,700 respondents each year and estimates that under this proposal, the total annual burden of the collection of information will be about 8,000 hours and $53,255,000.[41]

Comments on the paperwork provisions under this proposed rule should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974. Although comments may be submitted through September 23, 2013, the Office of Management and Budget requests that comments be received on or before August 22, 2013 to ensure their consideration. Comments may address (among other things)—

- Whether the proposed collection of information is needed for the proper performance of PBGC's functions and will have practical utility;
- The accuracy of PBGC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhancement of the quality, utility, and clarity of the information to be collected; and
- Minimizing 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.

[37] See, *e.g.,* ERISA section 104(a)(2), which permits the Secretary of Labor to prescribe simplified annual reports for pension plans that cover fewer than 100 participants.

[38] See, *e.g.,* Code section 430(g)(2)(B), which permits plans with 100 or fewer participants to use valuation dates other than the first day of the plan year.

[39] See, *e.g.,* DOL's final rule on Prohibited Transaction Exemption Procedures, 76 FR 66,637, 66,644 (Oct. 27, 2011).

[40] See PBGC 2010 pension insurance data table S–31, *http://www.pbgc.gov/Documents/pension-insurance-data-tables-2010.pdf.*

[41] This burden estimate reflects both a decrease in burden attributable to changes in the premium due dates under this proposed rule and an increase in burden attributable to a re-estimate of the existing premium filing burden. The increase in burden due to re-estimation is about 31,300 hours, and the decrease due to the proposed due date changes is about 35,000 hours (about 17,000 hours for large plans and about 18,000 hours for small plans), a net decrease of about 3,700 hours from the currently approved burden (about 163,600). PBGC assumes that about 95 percent of the work is contracted out at $350 per hour, so the 35,000-hour decrease attributable to the proposed rule is equivalent to about 1,750 hours of in-house labor and about $11,600,000 of contractor costs.

List of Subjects

29 CFR Part 4000

Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4006

Employee benefit plans, Pension insurance.

29 CFR Part 4007

Employee benefit plans, Penalties, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4047

Employee benefit plans, Pension insurance.

In consideration of the foregoing, PBGC proposes to amend 29 CFR parts 4000, 4006, 4007, and 4047 as follows:

PART 4000—FILING, ISSUANCE, COMPUTATION OF TIME, AND RECORD RETENTION

■ 1. The authority citation for part 4000 continues to read as follows:

Authority: 29 U.S.C. 1082(f), 1302(b)(3).

§ 4000.3 [Amended]

■ 2. In § 4000.3(b):

■ a. Paragraph (b)(1)(i) is removed.

■ b. Paragraphs (b)(1)(ii), (b)(1)(iii), and (b)(1)(iv) are redesignated as paragraphs (b)(1)(i), (b)(1)(ii), and (b)(1)(iii) respectively.

PART 4006—PREMIUM RATES

■ 3. The authority citation for part 4006 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1306, 1307.

■ 4. In § 4006.2:

■ a. The introductory text is amended by removing the words ''and single-employer plan'' and adding in their place the words ''single-employer plan, and termination date''.

■ b. The definition of *participant count* is amended by removing the words ''for a plan year'' and by removing the words ''for the plan year''.

■ c. The definition of *participant count date* is amended by removing the words ''for a plan year''.

■ d. The definition of *UVB valuation date* is amended by removing the words ''for a plan year''; and by removing the words ''plan year determined'' and adding in their place the words ''UVB valuation year, determined''.

■ e. The definition of *newly-covered plan* is revised, and new definitions of *Continuation plan, Small plan,* and *UVB valuation year* are added, in alphabetical order, to read as follows:

§ 4006.2 Definitions.

* * * * *

Continuation plan means a new plan resulting from a consolidation or spinoff that is not *de minimis* pursuant to the regulations under section 414(*l*) of the Code.

* * * * *

Newly covered plan means a plan that becomes covered by title IV of ERISA during the premium payment year and that existed as an uncovered plan immediately before the first date in the premium payment year on which it was a covered plan.

* * * * *

Small plan means a plan—

(1) Whose participant count is not more than 100, or

(2) Whose funding valuation date for the premium payment year, determined in accordance with ERISA section 303(g)(2), is not the first day of the premium payment year.

* * * * *

UVB valuation year of a plan means—

(1) The plan year preceding the premium payment year, if the plan is a small plan other than a continuation plan, or

(2) The premium payment year, in any other case.

■ 5. In § 4006.3:

■ a. Paragraphs (c) and (d) are removed.

■ b. A sentence is added to the end of the introductory text, and paragraphs (a) and (b) are revised, to read as follows:

§ 4006.3 Premium rate.

* * * Premium rates (and the MAP–21 cap rate referred to in paragraph (b)(2) of this section) are subject to change each year under inflation indexing provisions in section 4006 of ERISA.

(a) *Flat-rate premium.* The flat-rate premium for a plan is equal to the applicable flat premium rate multiplied by the plan's participant count. The applicable flat premium rate is the amount prescribed for the calendar year in which the premium payment year begins by—

(1) ERISA section 4006(a)(3)(A)(i) and (F) for a single-employer plan, or

(2) ERISA section 4006(a)(3)(A)(v) and (I) for a multiemployer plan.

(b) *Variable-rate premium.*

(1) *In general.* Subject to the cap provisions in paragraphs (b)(2) and (b)(3) of this section, the variable-rate premium for a single-employer plan is equal to a specified dollar amount for each $1,000 (or fraction thereof) of the plan's unfunded vested benefits as determined under § 4006.4 for the UVB valuation year. The specified dollar amount is the applicable variable premium rate prescribed by ERISA section 4006(a)(8) for the calendar year in which the premium payment year begins.

(2) *MAP–21 cap.* The variable-rate premium for a plan is not more than the applicable MAP–21 cap rate multiplied by the plan's participant count. The applicable MAP–21 cap rate is the amount prescribed by ERISA section 4006(a)(3)(E)(i)(II) and (J) for the calendar year in which the premium payment year begins.

(3) *Small-employer cap.*

(i) *In general.* If a plan is described in paragraph (b)(3)(ii) of this section for the premium payment year, the variable-rate premium is not more than $5 multiplied by the square of the participant count. For example, if the participant count is 20, the variable-rate premium is not more than $2,000 ($\$5 \times 20^2 = \$5 \times 400 = \$2{,}000$).

(ii) *Plans eligible for cap.* A plan is described in paragraph (b)(3)(ii) of this section for the premium payment year if the aggregate number of employees of all employers in the plan's controlled group on the first day of the premium payment year is 25 or fewer.

(iii) *Meaning of ''employee.''* For purposes of paragraph (b)(3)(ii) of this section, the aggregate number of employees is determined in the same manner as under section 410(b)(1) of the Code, taking into account the provisions of section 414(m) and (n) of the Code, but without regard to section 410(b)(3), (4), and (5) of the Code.

■ 6. In § 4006.4:

■ a. Paragraph (a) is amended by removing the words ''for the premium payment year'' where they appear five times in the paragraph and adding in their place the first four times (but not the fifth time) the words ''for the UVB valuation year''.

■ b. Paragraph (b)(2) introductory text is amended by removing the words ''premium payment year'' and adding in their place the words ''UVB valuation year''.

■ c. Paragraph (b)(2)(ii) is amended by removing the words ''premium payment year'' where they appear twice in the paragraph and adding in their place (in both places) the words ''UVB valuation year''.

■ d. New paragraph (b)(3) is added to read as follows:

§ 4006.4 Determination of unfunded vested benefits.

* * * * *

(b) *Premium funding target.*

* * * * *

(3) *''At-risk'' plans; transition rules; loading factor.* The transition rules in ERISA section 303(i)(5) apply to the

determination of the premium funding target of a plan in at-risk status for funding purposes. If a plan in at-risk status is also described in ERISA section 303(i)(1)(A)(ii) for the UVB valuation year, its premium funding target reflects a loading factor pursuant to ERISA section 303(i)(1)(C) equal to the sum of—

(i) *Per-participant portion of loading factor.* The amount determined for funding purposes under ERISA section 303(i)(1)(C)(i) for the UVB valuation year, and

(ii) *Four percent portion of loading factor.* Four percent of the premium funding target determined as if the plan were not in at-risk status.

* * * * *

■ 7. In § 4006.5:

■ a. Paragraph (a) introductory text is amended by removing the reference ''paragraphs (a)(1)–(a)(3) of this section'' and adding in its place the reference ''paragraphs (a)(1)–(a)(4) of this section''.

■ b. Paragraph (a)(3) introductory text is amended by removing the words ''described in this paragraph if'' and adding in their place the words ''described in this paragraph if it makes a final distribution of assets in a standard termination during the premium payment year or if''.

■ c. Paragraph (a)(3)(ii) is amended by removing the words ''on or before the UVB valuation date'' and adding in their place the words ''before the beginning of the premium payment year''.

■ d. Paragraph (e)(2)(ii) is amended by removing the words ''plan year'' and adding in their place the words ''premium payment year''.

■ e. Paragraph (f)(1) is amended by removing the words ''newly-covered'' (with a hyphen) and adding in their place the words ''newly covered'' (without a hyphen).

■ f. Paragraph (a)(4) is added, and paragraphs (c), (d), (e)(1), and (g) are revised, to read as follows:

§ 4006.5 Exemptions and special rules.

* * * * *

(a) *Variable-rate premium exemptions.* * * *

* * * * *

(4) *Certain small new and newly covered plans.* A plan is described in this paragraph if—

(i) It is a small plan other than a continuation plan, and

(ii) It is a new plan or a newly covered plan.

* * * * *

(c) *Participant count date; in general.* Except as provided in paragraphs (d) and (e) of this section, the participant count date of a plan is the last day of the plan year preceding the premium payment year.

(d) *Participant count date; new and newly covered plans.* The participant count date of a new plan or a newly covered plan is the first day of the premium payment year. For this purpose, a new plan's premium payment year begins on the plan's effective date.

(e) *Participant count date; certain mergers and spinoffs.*

(1) The participant count date of a plan described in paragraph (e)(2) of this section is the first day of the premium payment year.

* * * * *

(g) *Alternative premium funding target.* A plan's alternative premium funding target is determined in the same way as its standard premium funding target except that the discount rates described in ERISA section 4006(a)(3)(E)(iv) are not used. Instead, the alternative premium funding target is determined using the discount rates that would have been used to determine the funding target for the plan under ERISA section 303 for the purpose of determining the plan's minimum contribution under ERISA section 303 for the UVB valuation year if the segment rate stabilization provisions of ERISA section 303(h)(2)(iv) were disregarded. A plan may elect to compute unfunded vested benefits using the alternative premium funding target instead of the standard premium funding target described in § 4006.4(b)(2), and may revoke such an election, in accordance with the provisions of this paragraph (g). A plan must compute its unfunded vested benefits using the alternative premium funding target instead of the standard premium funding target described in § 4006.4(b)(2) if an election under this paragraph (g) to use the alternative premium funding target is in effect for the premium payment year.

(1) An election under this paragraph (g) to use the alternative premium funding target for a plan must specify the premium payment year to which it first applies and must be filed by the plan's variable-rate premium due date for that premium payment year. The premium payment year to which the election first applies must begin at least five years after the beginning of the premium payment year to which a revocation of a prior election first applied. The election will be effective—

(i) For the premium payment year for which made and for all plan years that begin less than five years thereafter, and

(ii) For all succeeding plan years until the premium payment year to which a revocation of the election first applies.

(2) A revocation of an election under this paragraph (g) to use the alternative premium funding target for a plan must specify the premium payment year to which it first applies and must be filed by the plan's variable-rate premium due date for that premium payment year. The premium payment year to which the revocation first applies must begin at least five years after the beginning of the premium payment year to which the election first applied.

§ 4006.7 [Amended]

■ 8. In § 4006.7, paragraph (b) is amended by removing the words ''under section 4048 of ERISA''.

PART 4007—PAYMENT OF PREMIUMS

■ 9. The authority citation for part 4007 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1303(A), 1306, 1307.

§ 4007.2 [Amended]

■ 10. In § 4007.2:

■ a. Paragraph (a) is amended by removing the words ''and single-employer plan'' and adding in their place the words ''single-employer plan, and termination date''.

■ b. Paragraph (b) is amended by removing the words ''new plan'' and adding in their place the words ''continuation plan, new plan''; and by removing the words ''and short plan year'' and adding in their place the words ''short plan year, small plan, and UVB valuation date''.

■ 11. In § 4007.3:

■ a. Paragraph (b) is amended by removing the words ''the PBGC'' and adding in their place the word ''PBGC''; and by removing the second sentence (which begins ''The requirement . . .'' and ends ''. . . after 2006'').

■ b. Paragraph (a) is revised to read as follows:

§ 4007.3 Filing requirement; method of filing.

(a) *In general.* The estimation, determination, declaration, and payment of premiums must be made in accordance with the premium instructions on PBGC's Web site (*www.pbgc.gov*). Subject to the provisions of § 4007.13, the plan administrator of each covered plan is responsible for filing prescribed premium information and payments. Each required premium payment and related information, certified as provided in the premium instructions, must be filed by the applicable due date

specified in this part in the manner and format prescribed in the instructions.

* * * * *

■ 12. In § 4007.8:

■ a. Paragraph (a) introductory text is amended by removing the words ''the PBGC'' and adding in their place the word ''PBGC''; and by removing the second sentence (which begins ''The charge . . .'' and ends ''. . . unpaid premium'').

■ b. Paragraphs (f), (g), (h), and (i) are removed, and paragraph (j) is redesignated as paragraph (g).

■ c. Paragraphs (a)(1) and (a)(2) and the introductory text of redesignated paragraph (g) are revised, and new paragraph (f) is added, to read as follows:

§ 4007.8 Late payment penalty charges.

(a) *Penalty charge.* * * *

(1) For any amount of unpaid premium that is paid on or before the date PBGC issues a written notice to any person liable for the premium that there is or may be a premium delinquency (for example, a premium bill, a letter initiating a premium compliance review, a notice of filing error in premium determination, or a letter questioning a failure to make a premium filing), 1 percent per month, to a maximum penalty charge of 50 percent of the unpaid premium; or

(2) For any amount of unpaid premium that is paid after that date, 5 percent per month, to a maximum penalty charge of 100 percent of the unpaid premium.

* * * * *

(f) *Filings not more than 7 days late.* PBGC will waive premium payment penalties that arise solely because premium payments are late by not more than seven calendar days, as described in this paragraph (f). In applying this waiver, PBGC will assume that each premium payment with respect to a plan year was made seven calendar days before it was actually made. All other rules will then be applied as usual. If the result of this procedure is that no penalty would arise for that plan year, then any penalty that would apply on the basis of the actual payment date(s) will be waived.

(g) *Variable-rate premium penalty relief.* PBGC will waive the penalty on any underpayment of the variable-rate premium for the period that ends on the earlier of the date the reconciliation filing is due or the date the reconciliation filing is made if, by the date the variable-rate premium for the premium payment year is due under § 4007.11(a)(1),—

* * * * *

■ 13. Section 4007.11 is revised to read as follows:

§ 4007.11 Due dates.

(a) *In general.* In general:

(1) The flat-rate and variable-rate premium filing due date is the fifteenth day of the tenth full calendar month that begins on or after the first day of the premium payment year.

(2) If the variable-rate premium paid by the premium filing due date is estimated as described in § 4007.8(g), a reconciliation filing and any required variable-rate premium payment must be made by the end of the sixth calendar month that begins on or after the premium filing due date.

(b) *Plans that change plan years.* For a plan that changes its plan year, the flat-rate and variable-rate premium filing due date for the short plan year is as specified in paragraph (a) of this section. For the plan year that follows a short plan year, the due date is the later of —

(1) The due date specified in paragraph (a) of this section, or

(2) 30 days after the date on which the amendment changing the plan year was adopted.

(c) *New and newly covered plans.* For a new plan or newly covered plan, the flat-rate and variable-rate premium filing due date for the first plan year of coverage is the latest of—

(1) The due date specified in paragraph (a) of this section, or

(2) 90 days after the date of the plan's adoption, or

(3) 90 days after the date on which the plan became covered by title IV of ERISA, or

(4) In the case of a small plan that is a continuation plan, 90 days after the plan's UVB valuation date.

(d) *Terminating plans.* For a plan that terminates in a standard termination, the flat-rate and variable-rate premium filing due date for the plan year in which all plan assets are distributed pursuant to the plan's termination is the earliest of —

(1) The due date specified in paragraph (a) of this section, or

(2) The latest date by which the post-distribution certification may be filed without penalty under § 4041.29 of this chapter, or

(3) The date when the post-distribution certification is filed.

(e) *Continuing obligation to file.* The obligation to make flat-rate and variable-rate premium filings and payments under this part continues through the plan year in which all plan assets are distributed pursuant to a plan's termination or in which a trustee is appointed under section 4042 of ERISA, whichever occurs earlier.

■ 14. Section 4007.12 is amended by revising paragraph (b) to read as follows:

§ 4007.12 Liability for single-employer premiums.

* * * * *

(b) After a plan administrator issues (pursuant to section 4041(a)(2) of ERISA) the first notice of intent to terminate in a distress termination under section 4041(c) of ERISA or the PBGC issues a notice of determination under section 4042(a) of ERISA, the obligation to pay the premiums (and any interest or penalties thereon) imposed by ERISA and this part for a single-employer plan shall be an obligation solely of the contributing sponsor and the members of its controlled group, if any.

§ 4007.13 [Amended]

■ 15. Section 4007.13 is amended by removing the words ''under section 4048 of ERISA'' where they appear once in paragraph (a)(1) introductory text, once in paragraph (a)(2) introductory text, once in paragraph (d)(1), once in paragraph (e)(3) introductory text, once in paragraph (e)(4) introductory text, once in paragraph (e)(4)(i), and once in paragraph (f) introductory text.

Appendix to Part 4007 [Amended]

■ 16. In the Appendix to part 4007:

■ a. Section 21(b)(1) is amended by removing the words ''for waivers if certain 'safe harbor' tests are met, and''; and by removing the words ''30 days after the date of the bill'' and adding in their place the words ''30 days after the date of the bill, and for waivers in certain cases where you pay not more than a week late or where you estimate the variable-rate premium and then timely correct any underpayment''.

■ b. Section 21(b)(5) is amended by removing the second sentence (which begins ''We intend . . .'' and ends ''. . . narrow circumstances'').

PART 4047—RESTORATION OF TERMINATING AND TERMINATED PLANS

■ 17. The authority citation for part 4047 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1347.

§ 4047.4 [Amended]

■ 18. In § 4047.4, paragraph (c) is amended by removing the words ''in § 4006.4(c) of this chapter''.

Issued in Washington, DC, this 16th day of July 2013.

Joshua Gotbaum,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2013–17561 Filed 7–22–13; 8:45 am]

BILLING CODE 7709–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2012–0769; FRL–9835–9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standards for the Liberty-Clairton Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to make two separate and independent determinations regarding the Liberty-Clairton, Pennsylvania 1997 annual fine particulate ($PM_{2.5}$) nonattainment area (the Liberty-Clairton Area). First, EPA is proposing to determine that the Liberty-Clairton Area attained the 1997 $PM_{2.5}$ annual national ambient air quality standards (NAAQS) by the applicable attainment date, December 31, 2011. This proposed determination is based on quality assured and certified ambient air quality date for the 2009–2011 monitoring period. Second, EPA is proposing that the Liberty-Clairton Area has continued to attain the 1997 annual $PM_{2.5}$ NAAQS, based on quality-assured and certified ambient air quality data for the 2010–2012 monitoring period. If EPA finalizes this latter ''clean data determination,'' the requirement for the Liberty-Clairton Area to submit an attainment demonstration, reasonably available control measures (RACM), reasonable further progress (RFP), and contingency measures related to attainment of the 1997 annual $PM_{2.5}$ NAAQS would be suspended for so long as the area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. These determinations do not constitute a redesignation to attainment. The Liberty-Clairton Area will remain designated nonattainment for the 1997 annual $PM_{2.5}$ NAAQS until such time as EPA determines that the Liberty-Clairton Area meets the Clean Air Act (CAA) requirements for redesignation to attainment, including an approved maintenance plan. These proposed actions are being taken under the CAA.

DATES: Written comments must be received on or before August 22, 2013.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2012–0769 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2012–0769, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2012–0769. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 814–2181, or by email at *pino.maria@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of Proposed Actions

EPA is proposing two separate and independent determinations regarding the Liberty-Clairton Area. First, pursuant to section 188(b)(2) of the CAA, EPA is proposing to make a determination that the Liberty-Clairton Area attained the 1997 annual $PM_{2.5}$ NAAQS by the applicable attainment date, December 31, 2011. This proposed determination is based upon quality-assured and certified ambient air monitoring data for the 2009–2011 monitoring period that shows the area has monitored attainment of the 1997 $PM_{2.5}$ annual NAAQS as of its attainment date.

EPA is also proposing to make a determination that the Liberty-Clairton Area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. This proposed ''clean data'' determination is based upon quality assured and certified ambient air monitoring data that show the area has monitored attainment of the 1997 $PM_{2.5}$ NAAQS for the 2010–2012 monitoring period. If EPA finalizes this determination, the requirement for the Liberty-Clairton Area to submit an attainment demonstration, RACM, RFP, and contingency measures related to attainment of the 1997 annual $PM_{2.5}$ NAAQS shall be suspended for so long as the area continues to attain that NAAQS.[1]

II. Background

A. The $PM_{2.5}$ NAAQS

On July 18, 1997 (62 FR 38652), EPA established a health-based $PM_{2.5}$ NAAQS at 15.0 micrograms per cubic meter ($\mu g/m^3$) based on a 3-year average of annual mean $PM_{2.5}$ concentrations (''the 1997 annual $PM_{2.5}$ NAAQS'' or ''the 1997 annual standard''). At that time, EPA also established a 24-hour standard of 65 $\mu g/m^3$ (the ''1997 24-hour standard''). *See* 40 CFR 50.7. On October 17, 2006 (71 FR 61144), EPA retained the 1997 annual $PM_{2.5}$ NAAQS at 15 $\mu g/m^3$ based on a 3-year average

[1] Even if these requirements are suspended, EPA is not precluded from acting upon these elements at any time if submitted to EPA for review and approval. On June 17, 2011, the Commonwealth of Pennsylvania submitted a SIP revision for the Liberty-Clairton Area to EPA for review and approval. On November 7, 2011 (76 FR 68699), EPA proposed approval, with one condition, of Pennsylvania's SIP revision for the Liberty-Clairton Area.

of annual mean $PM_{2.5}$ concentrations, and promulgated a 24-hour standard of 35 μg/m³ based on a 3-year average of the 98th percentile of 24-hour concentrations (the ''2006 24-hour standard''). In response to legal challenges of the 2006 annual standard, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit or the Court) remanded this standard to EPA for further consideration. *See, American Farm Bureau Federation and National Pork Producers Council, et al.* v. *EPA,* 559 F.3d 512 (D.C. Circuit 2009). However, given that the 1997 and 2006 annual $PM_{2.5}$ standards are essentially identical, attainment of the 1997 annual standard would also indicate attainment of the remanded 2006 annual standard.

On December 14, 2012 (78 FR 3086), EPA lowered the primary annual $PM_{2.5}$ NAAQS from 15 to 12.0 μg/m³. EPA retained the 2006 24-hour $PM_{2.5}$ NAAQS, and the 1997 secondary annual $PM_{2.5}$ NAAQS. EPA also retained the existing standards for coarse particle pollution (PM_{10}). This rulemaking action proposes determinations solely for the 1997 annual $PM_{2.5}$ standard. It does not address the 1997 or 2006 24-hour $PM_{2.5}$ standards or the 2012 $PM_{2.5}$ annual NAAQS.

B. The Liberty-Clairton Area

On January 5, 2005 (70 FR 944), EPA published its air quality designations for the 1997 $PM_{2.5}$ NAAQS based upon air quality monitoring data for calendar years 2001–2003. These designations became effective on April 5, 2005. The Liberty-Clairton Area is comprised of the boroughs of Lincoln, Glassport, Liberty, and Port Vue and the City of Clairton, all in Allegheny County, Pennsylvania. *See* 40 CFR 81.339. The Liberty-Clairton Area is surrounded by, but separate and distinct from the Pittsburgh-Beaver Valley $PM_{2.5}$ nonattainment area.

On November 13, 2009 (74 FR 58688), EPA published the area designations for the 2006 24-hour standard. That action, effective on December 14, 2009, designated the same Liberty-Clairton Area as nonattainment for the 2006 24-hour standard and clarified that the Liberty-Clairton Area is designated as unclassifiable/attainment for the 1997 24-hour $PM_{2.5}$ standard.

III. EPA's Analysis of the Relevant Air Quality Data

The Commonwealth of Pennsylvania submitted quality assured air quality monitoring data into the EPA Air Quality System (AQS) database for the 2009–2011 and 2010–2012 monitoring periods. Pennsylvania then certified that data. EPA's evaluation of this data shows that the Liberty-Clairton Area has attained the 1997 annual $PM_{2.5}$ NAAQS by its 2011 attainment date, and that it continues to attain the 1997 annual $PM_{2.5}$ NAAQS. Additional information on air quality data for the Liberty-Clairton Area can be found in the technical support document (TSD) prepared for this action.

The criteria for determining if an area is attaining the 1997 annual $PM_{2.5}$ NAAQS are set out in 40 CFR 50.13 and appendix N. The 1997 annual $PM_{2.5}$ NAAQS is met when the annual design value is less than or equal to 15.0 μg/m³. Three years of valid annual means are required to produce a valid annual standard design value. A year meets data completeness requirements when at least 75 percent of the scheduled sampling days for each quarter have valid data. The use of less than complete data is subject to the approval of EPA, which may consider factors such as monitoring site closures/moves, monitoring diligence, and nearby concentrations in determining whether to use such data.

There are two $PM_{2.5}$ monitors in the Liberty-Clairton Area—one in Liberty Borough and one in the City of Clairton. Both monitors had complete data for all quarters in the years 2009 through 2012, except for one calendar quarter in 2011 when the Clairton monitor had less than complete data capture due to unreliable data results via laboratory analysis.

For this monitor, EPA performed a statistical analysis of the data, in which a linear regression relationship is established between the site with incomplete data and a nearby site which has more complete data in the period in which the incomplete site is missing data. The linear regression relationship is based on time periods in which both monitors were operating. The linear regression equation developed from the relationship between the monitors is used to fill in missing data for the incomplete monitor, so that the normal data completeness requirement of 75 percent of data in each quarter of the three years is met. After the missing data for the site is filled in, the results are verified through an additional statistical test. The results of EPA's statistical analysis indicated that while the Liberty monitor had less than complete data, the data is sufficient to demonstrate that the NAAQS has been met. Details of this analysis are set out in the TSD prepared for this action.

This proposed determination of attainment for the Liberty-Clairton Area is based on EPA's evaluation of quality-controlled, quality assured, certified annual $PM_{2.5}$ air quality data for the 2009–2011 and 2010–2012 monitoring periods. The monitoring data and calculated design values for Liberty-Clairton Area are summarized in Table 1 for the 2009–2011 monitoring period, and in Table 2 for the 2010–2012 monitoring period.

TABLE 1—2009–2011 LIBERTY-CLAIRTON AREA ANNUAL $PM_{2.5}$ MONITORING DATA & COMPLETENESS

Location	Site ID	Annual mean			2009–2011 Design value (μg/m³)		Complete quarters			Complete data?
	.....	2009	2010	2011			2009	2010	2011	
Liberty Borough	420030064	15.0	16.0	14.0	15.0		4	4	4	Yes.
City of Clairton	420033007	11.3	12.5	10.7	* 11.5	** 11.7	4	4	3	No.

* The annual design value for the Clairton site reflects incomplete quarterly data during 2011.
** EPA's statistical procedure was applied to address the missing data and calculate a ''complete'' design value.

TABLE 2—2010–2012 LIBERTY-CLAIRTON AREA ANNUAL $PM_{2.5}$ MONITORING DATA & COMPLETENESS

Location	Site ID	Annual mean			2010–2012 Design value (μg/m³)		Complete quarters			Complete data?
		2010	2011	2012			2010	2011	2012	
Liberty Borough	420030064	16.0	14.0	14.3	14.8		4	4	4	Yes.
City of Clairton	420033007	12.5	10.7	9.4	* 10.9	** 11.0	4	3	4	No.

* The annual design value for the Clairton site reflects incomplete quarterly data during 2011.
** EPA's statistical procedure was applied to address the missing data and calculate a "complete" design value.

Consistent with the requirements contained in 40 CFR part 50, EPA has reviewed the $PM_{2.5}$ ambient air monitoring data for the monitoring periods 2009–2011 and 2010–2012 for the Liberty-Clairton Area, as recorded in the AQS database. On the basis of that review, EPA proposes to determine that the Liberty-Clairton Area (1) attained the 1997 annual $PM_{2.5}$ NAAQS by its attainment date, based on data for the 2009–2011 monitoring period, and (2) continued to attain during the 2010–2012 monitoring period.

IV. Effect of Proposed Determinations of Attainment for 1997 $PM_{2.5}$ NAAQS Under Subpart 4 of Part D of Title I of the CAA (Subpart 4)

This section and section V of EPA's proposal address the effects of a final clean data determination and a final determination of attainment by the attainment date for the Liberty-Clairton Area. For the 1997 annual $PM_{2.5}$ standard, 40 CFR 51.004 of EPA's Implementation Rule for the 1997 annual $PM_{2.5}$ standard embodies EPA's "Clean Data Policy" interpretation under subpart 1 of Part D of Title I of the CAA (subpart 1). The provisions of 40 CFR 51.004 set forth the effects of a determination of attainment for the 1997 $PM_{2.5}$ standard. (72 FR 20585, 20665, April 25, 2007).

On January 4, 2013, in *Natural Resources Defense Council* v. *EPA,* the DC Circuit remanded to EPA the "Final Clean Air Fine Particle Implementation Rule" (72 FR 20586, April 25, 2007) and the "Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)" final rule (73 FR 28321, May 16, 2008) (collectively, "1997 $PM_{2.5}$ Implementation Rule" or "Implementation Rule"). 706 F.3d 428 (D.C. Cir. 2013). The Court found that EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant solely to the general implementation provisions of subpart 1, rather than the particulate-matter-specific provisions of subpart 4. The Court remanded EPA's Implementation Rule for further proceedings consistent with the Court's decision. In light of the Court's decision and its remand of the Implementation Rule, EPA in this proposed rulemaking action addresses the effect of a final determination of attainment for the Liberty-Clairton Area, as if that area were considered a moderate nonattainment area under subpart 4.[2] As set forth in more detail below, under EPA's Clean Data Policy interpretation, a determination that the area has attained the standard suspends the state's obligation to submit attainment-related planning requirements of 4 (and the applicable provisions of subpart 1) for so long as the area continues to attain the standard. These include requirements to submit an attainment demonstration, RFP, RACM, and contingency measures, because the purpose of these provisions is to help reach attainment, a goal which has already been achieved.

A. Background on Clean Data Policy

Over the past two decades, EPA has consistently applied its "Clean Data Policy" interpretation to attainment-related provisions of subparts 1, 2 and 4. The Clean Data Policy is the subject of several EPA memoranda and regulations. In addition, numerous individual rulemakings published in the **Federal Register** have applied the interpretation to a spectrum of NAAQS, including the 1-hour and 1997 ozone, $PM_{10,}$ $PM_{2.5}$, carbon monoxide (CO) and lead (Pb) standards. The D.C. Circuit has upheld the Clean Data Policy interpretation as embodied in EPA's 1997 8-Hour Ozone Implementation Rule, 40 CFR 51.918.[3] *NRDC* v. *EPA,* 571 F. 3d 1245 (D.C. Cir. 2009). Other U.S. Circuit Courts of Appeals that have considered and reviewed EPA's Clean Data Policy interpretation have upheld it and the rulemakings applying EPA's interpretation. *Sierra Club* v. *EPA,* 99 F.3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA,* 375 F. 3d 537 (7th Cir. 2004); Our *Children's Earth Foundation* v. *EPA,* N. 04–73032 (9th Cir. June 28, 2005) (memorandum opinion), *Latino Issues Forum,* v. *EPA,* Nos. 06–75831 and 08–71238 (9th Cir.), Memorandum Opinion, March 2, 2009.

As noted above, EPA incorporated its Clean Data Policy interpretation in both its 8-Hour Ozone Implementation Rule and in its $PM_{2.5}$ Implementation Rule in 40 CFR 51.1004(c). (72 FR 20585, 20665, April 25, 2007). While the D.C. Circuit, in its January 4, 2013 decision, remanded the 1997 $PM_{2.5}$ Implementation Rule, the Court did not address the merits of that regulation, nor cast doubt on EPA's existing interpretation of the statutory provisions.

However, in light of the Court's decision, EPA's Clean Data Policy interpretation under subpart 4 is set forth here, for the purpose of identifying the effects of a determination of attainment for the 1997 annual $PM_{2.5}$ standard for the Liberty-Clairton Area. EPA has previously articulated its Clean Data interpretation under subpart 4 in implementing the PM_{10} standard. *See,* e.g., (75 FR 27944, May 19, 2010) (determination of attainment of the PM_{10} standard in Coso Junction, California); (75 FR 6571, February 10, 2010), (71 FR 6352, February 8, 2006)

[2] For the purposes of evaluating the effects of this proposed determination of attainment under subpart 4, EPA is considering the Liberty-Clairton Area to be a "moderate" $PM_{2.5}$ nonattainment area. Under section 188 of the CAA, all areas designated nonattainment areas under subpart 4 would initially be classified by operation of law as "moderate" nonattainment areas, and would remain moderate nonattainment areas unless and until EPA reclassifies the area as a "serious" nonattainment area. Accordingly, EPA believes that it is appropriate to limit the evaluation of the potential impact of subpart 4 requirements to those that would be applicable to moderate nonattainment areas. Sections 189(a) and (c) of subpart 4 apply to moderate nonattainment areas and include an attainment demonstration (section 189(a)(1)(B)); (3) provisions for RACM (section 189(a)(1)(C)); and quantitative milestones demonstrating RFP toward attainment by the applicable attainment date (section 189(c)). In addition, EPA also evaluates the applicable requirements of subpart 1.

[3] "EPA's Final Rule to implement the 8-Hour Ozone National Ambient Air Quality Standard-Phase 2 (Phase 2 Final Rule)" (70 FR 71612, 71645–46, November 29, 2005).

(Ajo, Arizona Area); (71 FR 13021, March 14, 2006) (Yuma, Arizona Area); (71 FR 40023, July 14, 2006) (Weirton, West Virginia Area); (71 FR 44920, August 8, 2006) (Rillito, Arizona Area); (71 FR 63642, October 30, 2006) (San Joaquin Valley, California Area); (72 FR 14422, March 28, 2007) (Miami, Arizona Area); (75 FR 27944, May 19, 2010) (Coso Junction, California Area). Thus EPA has established that, under subpart 4, an attainment determination suspends the obligations to submit an attainment demonstration, RACM, RFP contingency measures, and other measures related to attainment.

B. Application of the Clean Data Policy to Attainment-Related Provisions of Subpart 4

In EPA's proposed and final rulemaking actions determining that the San Joaquin Valley nonattainment area attained the PM_{10} standard, EPA set forth at length its rationale for applying the Clean Data Policy to PM_{10} under subpart 4. The Ninth Circuit upheld EPA's final rulemaking, and specifically EPA's Clean Data Policy, in the context of subpart 4. *Latino Issues Forum* v. *EPA,* supra. Nos. 06–75831 and 08–71238 (9th Cir.), Memorandum Opinion, March 2, 2009. In rejecting the petitioner's challenge to the Clean Data Policy under subpart 4 for PM_{10}, the Ninth Circuit stated, ''As the EPA explained, if an area is in compliance with PM_{10} standards, then further progress for the purpose of ensuring attainment is not necessary.''

The general requirements of subpart 1 apply in conjunction with the more specific requirements of subpart 4, to the extent they are not superseded or subsumed by the subpart 4 requirements. Subpart 1 contains general air quality planning requirements for areas designated as nonattainment. *See* section 172(c). Subpart 4, itself, contains specific planning and scheduling requirements for PM_{10} nonattainment areas, and under the Court's January 4, 2013 decision in *NRDC* v. *EPA,* these same statutory requirements also apply for $PM_{2.5}$ nonattainment areas. EPA has longstanding general guidance that interprets the 1990 amendments to the CAA, making recommendations to states for meeting the statutory requirements for SIPs for nonattainment areas. *See,* ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clear Air Act Amendments of 1990,'' (57 FR 13498, April 16, 1992) (the ''General Preamble''). In the General Preamble, EPA discussed the relationship of subpart 1 and subpart 4 SIP requirements, and pointed out that subpart 1 requirements were to an extent ''subsumed by, or integrally related to, the more specific PM_{10} requirements.'' (57 FR 13538, April 16, 1992). These subpart 1 requirements include, among other things, provisions for attainment demonstrations, RACM, RFP, emissions inventories, and contingency measures.

EPA has long interpreted the provisions of subpart 1 (sections 171 and 172) as not requiring the submission of RFP for an area already attaining the ozone NAAQS. For an area that is attaining, showing that the state will make RFP towards attainment ''will, therefore, have no meaning at that point.'' 57 FR 13564. *See* 71 FR 40952 and 71 FR 63642 (proposed and final determination of attainment for San Joaquin Valley); 75 FR 13710 and 75 FR 27944 (proposed and final determination of attainment for Coso Junction).

Section 189(c)(1) of subpart 4 states that:

> Plan revisions demonstrating attainment submitted to the Administrator for approval under this subpart shall contain quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate reasonable further progress, as defined in section [section 171(1)] of this title, toward attainment by the applicable date.

With respect to RFP, section 171(1) states that, for purposes of part D, RFP ''means such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.'' Thus, whether dealing with the general RFP requirement of section 172(c)(2), the ozone-specific RFP requirements of sections 182(b) and (c), or the specific RFP requirements for PM_{10} areas of part D, subpart 4, section 189(c)(1), the stated purpose of RFP is to ensure attainment by the applicable attainment date.

Although section 189(c) states that revisions shall contain milestones which are to be achieved until the area is redesignated to attainment, such milestones are designed to show reasonable further progress ''toward attainment by the applicable attainment date,'' as defined by section 171. Thus, it is clear that once the area has attained the standard, no further milestones are necessary or meaningful. This interpretation is supported by language in section 189(c)(3), which mandates that a state that fails to achieve a milestone must submit a plan that assures that the state will achieve the next milestone or attain the NAAQS if there is no next milestone. Section 189(c)(3) assumes that the requirement to submit and achieve milestones does not continue after attainment of the NAAQS.

In the General Preamble, EPA noted with respect to section 189(c) that the purpose of the milestone requirement ''is 'to provide for emission reductions adequate to achieve the standards by the applicable attainment date' (H.R. Rep.No. 490 101st Cong., 2d Sess. 267 (1990)).'' (57 FR 13539, April 16, 1992). If an area has in fact attained the standard, the stated purpose of the RFP requirement will have already been fulfilled.[4]

Similarly, the requirements of section 189(c)(2) with respect to milestones no longer apply so long as an area has attained the standard. Section 189(c)(2) provides in relevant part that:

> Not later than 90 days after the date on which a milestone applicable to the area occurs, each State in which all or part of such area is located shall submit to the Administrator a demonstration . . . that the milestone has been met.

Where the area has attained the standard and there are no further milestones, there is no further requirement to make a submission showing that such milestones have been met. This is consistent with the position that EPA took with respect to the general RFP requirement of section 172(c)(2) in the April 16, 1992 General Preamble and also in the May 10, 1995 EPA memorandum from John S. Seitz, ''Reasonable Further Progress, Attainment Demonstrations, and Related Requirements for the Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' (the ''1995 Seitz memorandum'') with respect to the requirements of section 182(b) and (c).

[4] Thus, EPA believes that it is a distinction without a difference that section 189(c)(1) speaks of the RFP requirement as one to be achieved until an area is ''redesignated attainment,'' as opposed to section 172(c)(2), which is silent on the period to which the requirement pertains, or the ozone nonattainment area RFP requirements in sections 182(b)(1) or 182(c)(2), which refer to the RFP requirements as applying until the ''attainment date,'' since section 189(c)(1) defines RFP by reference to section 171(1) of the CAA. Reference to section 171(1) clarifies that, as with the general RFP requirements in section 172(c)(2) and the ozone-specific requirements of section 182(b)(1) and 182(c)(2), the PM-specific requirements may only be required ''for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' 42 U.S.C. 7501(1). As discussed in the text of this rulemaking, EPA interprets the RFP requirements, in light of the definition of RFP in section 171(1), and incorporated in section 189(c)(1), to be a requirement that no longer applies once the standard has been attained.

In the 1995 Seitz memorandum, EPA also noted that section 182(g), the milestone requirement of subpart 2, which is analogous to provisions in section 189(c), is suspended upon a determination that an area has attained. The memorandum, also citing additional provisions related to attainment demonstration and RFP requirements, stated:

> Inasmuch as each of these requirements is linked with the attainment demonstration or RFP requirements of section 182(b)(1) or 182(c)(2), if an area is not subject to the requirement to submit the underlying attainment demonstration or RFP plan, it need not submit the related SIP submission either.

See, 1995 Seitz memorandum at 5.

With respect to the attainment demonstration requirements of section 172(c) and section 189(a)(1)(B), an analogous rationale leads to the same result. Section 189(a)(1)(B) requires that the plan provide for ''a demonstration (including air quality modeling) that the [SIP] will provide for attainment by the applicable attainment date . . .'' As with the RFP requirements, if an area is already monitoring attainment of the standard, EPA believes there is no need for an area to make a further submission containing additional measures to achieve attainment. This is also consistent with the interpretation of the section 172(c) requirements provided by EPA in the General Preamble, and the section 182(b) and (c) requirements set forth in the 1995 Seitz memorandum. As EPA stated in the General Preamble, no other measures to provide for attainment would be needed by areas seeking redesignation to attainment since ''attainment will have been reached.'' 57 FR 13564.

Other SIP submission requirements are linked with these attainment demonstration and RFP requirements, and similar reasoning applies to them. These requirements include the contingency measure requirements of sections 172(c)(9). EPA has interpreted the contingency measure requirements of sections 172(c)(9) [5] as no longer applying when an area has attained the standard because those ''contingency measures are directed at ensuring RFP and attainment by the applicable date.'' 57 FR 13564; 1995 Seitz memorandum, pp. 5–6.

Section 172(c)(9) provides that SIPs in nonattainment areas:

> shall provide for the implementation of specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the [NAAQS] by the attainment date applicable under this part. Such measures shall be included in the plan revision as contingency measures to take effect in any such case without further action by the State or [EPA].

The contingency measure requirement is inextricably tied to the reasonable further progress and attainment demonstration requirements. Contingency measures are implemented if reasonable further progress targets are not achieved, or if attainment is not realized by the attainment date. Where an area has already achieved attainment by the attainment date, it has no need to rely on contingency measures to come into attainment or to make further progress to attainment. As EPA stated in the General Preamble: ''The section 172(c)(9) requirements for contingency measures are directed at ensuring RFP and attainment by the applicable date.'' *See* 57 FR 13564. Thus these requirements no longer apply when an area has attained the standard.

Both sections 172(c)(1) and 189(a)(1)(C) require ''provisions to assure that reasonably available control measures'' (i.e., RACM) are implemented in a nonattainment area. The General Preamble, (57 FR at 13560, April 16, 1992), states that EPA interprets section 172(c)(1) so that RACM requirements are a ''component'' of an area's attainment demonstration. Thus, for the same reason the attainment demonstration no longer applies by its own terms, the requirement for RACM no longer applies. EPA has consistently interpreted this provision to require only implementation of potential RACM measures that could contribute to reasonable further progress or to attainment. General Preamble, 57 FR 13498. Thus, where an area is already attaining the standard, no additional RACM measures are required.[6] EPA is interpreting section 189(a)(1)(C) consistent with its interpretation of section 172(c)(1).

The suspension of the obligations to submit SIP revisions concerning these RFP, attainment demonstration, RACM, contingency measures and other related requirements exists only for as long as the area continues to monitor attainment of the standard. If EPA determines, after notice-and-comment rulemaking, that the area has monitored a violation of the NAAQS, the basis for the requirements being suspended would no longer exist. In that case, the area would again be subject to a requirement to submit the pertinent SIP revision or revisions and would need to address those requirements. Thus, a final determination that the area need not submit one of the pertinent SIP submittals amounts to no more than a suspension of the requirements for so long as the area continues to attain the standard. Only if and when EPA redesignates the area to attainment would the area be relieved of these submission obligations. Attainment determinations under the Clean Data Policy do not shield an area from obligations unrelated to attainment in the area, such as provisions to address pollution transport.

As set forth previously, based on our proposed determination that the Liberty-Clairton Area is currently attaining the 1997 annual $PM_{2.5}$ NAAQS, EPA proposes to find that the obligations to submit planning provisions to meet the requirements for an attainment demonstration, reasonable further progress plans, reasonably available control measures, and contingency measures are suspended for so long as the area continues to monitor attainment of the 1997 annual $PM_{2.5}$ NAAQS. If in the future, EPA determines after notice-and-comment rulemaking that the area again violates the 1997 annual $PM_{2.5}$ NAAQS, the basis for suspending the attainment demonstration, RFP, RACM, and contingency measure obligations would no longer exist.

V. Determination of Attainment by the Attainment Date

As stated previously, in light of the Court's decision and its remand of the Implementation Rule, EPA in this proposed rulemaking action addresses the effect of a final determination of attainment for the Liberty-Clairton Area, as if that area were considered a moderate nonattainment area under subpart 4. Pursuant to CAA section 188(c)(1), the 1997 annual $PM_{2.5}$ NAAQS attainment date for moderate areas is as expeditiously as practicable, but not later than the end of the sixth calendar year after the area's designation as nonattainment. For the purposes of evaluating attainment by attainment date, the attainment date for the Liberty-Clairton Area is December 31, 2011. Under CAA section 188(b)(2), EPA is required to make a determination that a nonattainment area has attained by its attainment date, and publish that determination in the **Federal Register**. If EPA determines that any moderate area is not in attainment after its applicable

[5] And section 182(c)(9) for ozone.

[6] EPA's interpretation that the statute requires implementation only of RACM measures that would advance attainment was upheld by the United States Court of Appeals for the Fifth Circuit (*Sierra Club* v. *EPA,* 314 F.3d 735, 743–745 (5th Cir. 2002), and by the United States Court of Appeals for the DC Circuit (*Sierra Club* v. *EPA,* 294 F.3d 155, 162–163 (DC Cir. 2002)).

attainment date, that area is reclassified to serious by operation of law.

EPA is proposing to make a determination that the Liberty-Clairton Area attained the 1997 annual $PM_{2.5}$ NAAQS by the applicable attainment date of December 31, 2011. Therefore, EPA has met the requirement of CAA section 188(b)(2) to determine, based on the area's air quality as of the attainment date, whether the area attained the standard by that date. The effect of a final determination of attainment by the area's attainment date would be to discharge EPA's obligation under CAA section 188(b)(2).

VI. Proposed Actions

Pursuant to sections 188(b)(2) of the CAA, EPA is proposing to determine that the Liberty-Clairton Area has attained the 1997 annual $PM_{2.5}$ NAAQS by its attainment date, December 31, 2011. Separately and independently, EPA is proposing to determine, based on the most recent three years of quality-assured and certified data meeting the requirements of 40 CFR part 50, appendix N, that the Liberty-Clairton Area is currently attaining the 1997 annual $PM_{2.5}$ NAAQS. In conjunction with and based upon our proposed determination that the Liberty-Clairton Area has attained and is currently attaining the standard, EPA proposes to determine that the obligation to submit the following attainment-related planning requirements is not applicable for so long as the area continues to attain the $PM_{2.5}$ standard: The part D, subpart 4 obligations to provide an attainment demonstration pursuant to section 189(a)(1)(B), the RACM provisions of section 189(a)(1)(C), the RFP provisions of section 189(c), and related attainment demonstration, RACM, RFP, and contingency measure provisions requirements of subpart 1, section 172. This proposed rulemaking action, if finalized, would not constitute a redesignation to attainment under CAA section 107(d)(3).

These proposed determinations are based upon quality-assured, and certified ambient air monitoring data that show the area has monitored attainment of the 1997 annual $PM_{2.5}$ NAAQS for the 2009–2011 and 2010–2012 monitoring periods. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

VII. Statutory and Executive Order Reviews

This rulemaking action proposes to make determinations of attainment based on air quality, and would, if finalized, result in the suspension of certain federal requirements, and would not impose additional requirements beyond those imposed by state law. For that reason, these proposed determinations of attainment:

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

In addition, this proposed rule, proposing to determine that the Liberty-Clairton Area has attained the 1997 annual $PM_{2.5}$ NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: July 8, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2013–17688 Filed 7–22–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2013–0178; FRL_9834–3]

Notice of Data Availability Concerning Renewable Fuels Produced From Barley Under the RFS Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Data Availability (NODA).

SUMMARY: This Notice provides an opportunity to comment on EPA's draft analysis of the lifecycle greenhouse gas (GHG) emissions of ethanol that is produced using barley as a feedstock. EPA's draft analysis indicates that ethanol produced from barley has an estimated lifecycle GHG emissions reduction of 47% as compared to baseline conventional fuel when the barley ethanol is produced at a dry mill facility that uses natural gas for all process energy, uses electricity from the grid, and dries up to 100% of distillers grains. Such barley ethanol would therefore meet the minimum 20% GHG emissions reduction threshold for conventional biofuels under the Clean Air Act Renewable Fuel Standard (RFS) program. In addition, EPA analyzed two potential options for producing barley ethanol that would meet the 50% GHG emissions reduction threshold for advanced biofuels. Ethanol produced from dry-milling barley meet the advanced biofuels GHG reduction threshold if it is produced at a facility that uses no more than 30,700 Btu of natural gas for process energy, no more than 4,200 Btu of biomass from barley hulls or biogas from landfills, waste treatment plants, barley hull digesters, or waste digesters for process energy, and no more than 0.84 kWh of electricity from the grid for all electricity used at the renewable fuel production facility, calculated on a per gallon basis. Ethanol produced from dry-milling barley can also meet the advanced biofuel GHG reduction threshold if the production facility uses no more than 36,800 Btu of natural gas for process energy and also uses natural gas for on-site production of all electricity used at the facility other than up to 0.19 kWh of electricity from the grid, calculated on a per gallon basis.

DATES: Comments must be received on or before August 22, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2013–0178, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.*
- *Mail:* Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* Air and Radiation Docket and Information Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2013–0178. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or *a-and-r-docket@epa.gov.* The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Docket and the Information Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Christopher Ramig, Office of Transportation and Air Quality, Transportation and Climate Division, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460 (MC: 6041A); telephone number: 202–564–1372; fax number: 202–564–1177; email address: *ramig.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

Outline of This Preamble

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I. General Information

A. Does this action apply to me?

Entities potentially affected by this action are those involved with the production, distribution, and sale of transportation fuels, including gasoline and diesel fuel or renewable fuels such as biodiesel and renewable diesel. Regulated categories include:

Category	NAICS [1] Codes	SIC [2] Codes	Examples of potentially regulated entities
Industry	324110	2911	Petroleum Refineries.
Industry	325193	2869	Ethyl alcohol manufacturing.
Industry	325199	2869	Other basic organic chemical manufacturing.
Industry	424690	5169	Chemical and allied products merchant wholesalers.
Industry	424710	5171	Petroleum bulk stations and terminals.
Industry	424720	5172	Petroleum and petroleum products merchant wholesalers.
Industry	454319	5989	Other fuel dealers.

[1] North American Industry Classification System (NAICS).
[2] Standard Industrial Classification (SIC) system code.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to engage in activities that may be affected by today's action. To determine whether your activities would be affected, you should carefully examine the applicability criteria in 40 CFR Part 80, Subpart M. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding section.

B. What should I consider as I prepare my comments for EPA?

1. Submitting CBI

Do not submit this information to EPA through *www.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:

- Identify the NODA by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- 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.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Analysis of Lifecycle Greenhouse Gas Emissions for Ethanol Produced From Barley

A. Methodology

1. Scope of Analysis

On March 26, 2010, the Environmental Protection Agency (EPA) published changes to the Renewable Fuel Standard program regulations as required by 2007 amendments to Section 211(o) of the Clean Air Act (CAA). This rulemaking is commonly referred to as the ''March 2010 RFS'' rule.[1] As part of the March 2010 RFS rule we analyzed various biofuels production pathways to determine whether fuels produced through those pathways meet minimum lifecycle greenhouse gas reduction thresholds specified in the CAA for different categories of biofuel (i.e., 60% for cellulosic biofuel, 50% for biomass-based diesel and advanced biofuel, and 20% for other renewable fuels). The March 2010 RFS rule focused on fuels that were anticipated to contribute relatively large volumes of renewable fuel by 2022 and thus did not cover all fuels that either are contributing or could potentially contribute to the program. In the preamble to the rule, EPA indicated that it had not completed the GHG emissions analyses for several specific biofuel production pathways but that this work would be completed through a supplemental rulemaking process. Since the March 2010 rule was issued, we have continued to examine several additional pathways. This Notice of Data Availability presents our draft analysis of three pathways for producing ethanol from barley. The modeling approach EPA used in this analysis is the same general approach used in the final March 2010 RFS rule for lifecycle analyses of other biofuels.[2] The March 2010 RFS rule preamble and Regulatory Impact Analysis (RIA) provide further discussion of our approach.

EPA is seeking public comment on EPA's draft analyses of lifecycle GHG emissions related to the production and use of ethanol from barley. We intend to consider all of the relevant comments received prior to taking final action that could lead to amendment of the RFS program regulations to identify barley ethanol pathways as among those which can be used to produce qualifying renewable fuel. In general, comments will be considered relevant if they pertain to the lifecycle GHG emissions of barley ethanol and especially if they provide specific information for consideration in our modeling.

2. Models Used

The analysis EPA has prepared for barley ethanol uses the same set of models that was used for the final March 2010 RFS rule, including the Forestry and Agricultural Sector Optimization Model (FASOM) developed by Texas A&M University and the Food and Agricultural Policy and Research Institute international models as maintained by the Center for Agricultural and Rural Development (FAPRI–CARD) at Iowa State University. For more information on the FASOM and FAPRI–CARD models, refer to the March 2010 RFS rule preamble (75 FR 14670) or the March 2010 RFS Regulatory Impact Analysis (RIA).[3] These documents are available in the docket or online at *http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm*. The models require a number of inputs and assumptions that are specific to the pathway being analyzed, including projected yields of feedstock per acre planted, projected fertilizer use, and energy use in feedstock processing and fuel production. The docket includes detailed information on model inputs, assumptions, calculations, and the results of our assessment of the lifecycle GHG emissions performance for barley ethanol.

3. Model Modifications

In the United States, barley is grown using one of two primary cropping strategies. The majority of barley production, over 90 percent every year since 1970, is ''spring barley''.[4] For example, in the 2010/11 crop year, spring barley represented approximately 94 percent of the total barley crop. Spring barley is primarily grown in the Great Plains, Rocky Mountains, and the Pacific Northwest regions.[5] It is planted in the spring and harvested in the fall, as are most grains in these regions. However, a significant minority of barley production (between 3 percent and 5 percent since the 2000/01 crop year, and as much as 6 percent between 1970 and 2000) comes from ''winter barley'', which is grown in the Southeast and Mid-Atlantic regions.[6] Historically, winter barley is ''double-cropped'' with soybeans, meaning that the grower plants two crops, a soybean crop and a barley crop, in one year.[7] Farmers that utilize this double-cropping method plant their soybean crop in the mid or late spring and harvest it in the early fall followed soon after with a barley crop that is planted in the fall and harvested in the early spring. Soybean acres in the Southeast and Mid-Atlantic regions of the U.S.

[1] EPA, 2010. Renewable Fuel Standard Program (March 2010 RFS) Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program; Final Rule. 40 CFR Part 80, *http://www.gpo.gov/fdsys/pkg/FR-2010-03-26/pdf/2010-3851.pdf*.

[2] EPA. 2010. Renewable Fuel Standard Program (March 2010 RFS) Regulatory Impact Analysis. EPA–420–R–10–006. *http://www.epa.gov/oms/renewablefuels/420r10006.pdf*.

[3] EPA. 2010. Renewable Fuel Standard Program (March 2010 RFS) Regulatory Impact Analysis. EPA–420–R–10–006. *http://www.epa.gov/oms/renewablefuels/420r10006.pdf*.

[4] Personal communication with USDA experts.

[5] Personal communication with USDA experts.

[6] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0001, Dated June 20th, 2013 and personal communication with USDA.

[7] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0001, Dated June 20th, 2013 and personal communication with USDA.

that are not double-cropped with barley are generally left fallow during the winter months.[8] This also means that any barley that is double-cropped with soybeans in the Southeast and Mid-Atlantic regions of the U.S. is not replacing another double-crop practice between soybeans and another commodity.

FASOM has not previously taken the winter barley cropping strategy into account. However, given that a portion of barley ethanol production can come from winter barley and industry input indicates that winter barley is likely to be a potentially significant contributor to total barley ethanol production, it is important to consider the full range of barley production methods available. Based on information from industry stakeholders and USDA, FASOM modeling was conducted assuming that all barley produced in the Mid-Atlantic and Southeast regions of the United States is winter barley double-cropped with soybeans and that all barley grown elsewhere is spring barley.[9] Specifically, FASOM was updated such that all barley grown in the Mid-Atlantic and Southeast regions of the United States was grown in conjunction with soybean acres, rather than competing with other crops grown during the typical ''spring'' planting season.

Because of differences in model architecture, it was not possible to differentiate between spring and winter barley in the FAPRI–CARD model. However, we believe not modeling double cropping for barley in the Southeast and Mid-Atlantic region of the U.S. in the FAPRI–CARD model results in a conservative estimate of lifecycle GHG emissions, as it may slightly overstate the land use change and commodity market impacts of an increase in demand for barley ethanol.

4. Scenarios Modeled for Impacts of Increased Demand for Barley

To assess the impacts of an increase in renewable fuel volume from business-as-usual (what is likely to have occurred without the RFS biofuel mandates) to levels required by the statute, we established a control case and other cases for a number of biofuels analyzed for the March 2010 RFS rule. The control case included a projection of renewable fuel volumes that might be used to comply with the RFS renewable fuel volume mandates in full. The other cases are designed such that the only difference between a given case and the control case is the volume of an individual biofuel, all other volumes remaining the same. In the March 2010 RFS rule, for each individual biofuel, we analyzed the incremental GHG emission impacts of increasing the volume of that fuel from business as usual levels to the level of that biofuel projected to be used in 2022, together with other biofuels, to fully meet the CAA requirements. Rather than focus on the GHG emissions impacts associated with a specific gallon of fuel and tracking inputs and outputs across different lifecycle stages, we determined the overall aggregate impacts across sectors of the economy in response to a given volume change in the amount of biofuel produced. For this analysis we compared impacts in the control case to the impacts in a new ''barley ethanol'' case. Some assumptions related to barley production and ethanol use were incorporated based on consultation with USDA, academic experts, and industry stakeholders. However, the volume of biofuels assumed to be produced in the control case used for modeling barley ethanol is the same as was assumed for the March 2010 RFS rule. Specifically, the control case used for the March 2010 RFS rule, and used for this analysis, has zero gallons of barley ethanol production. This is compared to a ''barley ethanol'' case that does include barley ethanol production (see paragraph below). See our ''Barley Inputs and Assumptions'' document, included in the docket for this NODA, for further details.[10]

For the ''barley ethanol'' case, our modeling analyzed a shock of 140 million gallons of barley ethanol in 2022 above the production volume observed in the control case. In FASOM, this volume was divided into 80 million gallons of ''spring barley'' ethanol and 60 million gallons of ''winter barley'' ethanol.[11] EPA chose this modeled volume based upon consultations with industry stakeholders and USDA. Input from industry stakeholders has suggested that there is interest in utilizing both spring and winter barley as ethanol feedstock, and EPA selected the 80/60 ratio of spring to winter barley for FASOM modeling based on this industry input. In the FAPRI–CARD model, as stated above, no distinction is made between winter and spring barley. For this reason, the volume in the FAPRI–CARD model is simply represented as 140 million gallons of barley ethanol.

Our volume scenario of approximately 140 million gallons in the barley case in 2022 is based on several factors including potential feedstock availability and other competitive uses (e.g., animal feed or exports). Our assessment is described further in the inputs and assumptions document that is available through the docket.[12] Based in part on consultation with experts at the United States Department of Agriculture (USDA) and industry representatives, we believe that these volumes represent a reasonable projection of how much barley ethanol could be produced by 2022 if these pathways are approved, and are therefore reasonable for the purposes of evaluating the impacts of producing ethanol from barley. However, we invite comment both regarding the assumptions made in our analysis of barley ethanol and regarding the efficacy of any alternative assumptions that could be utilized to model the impacts of barley ethanol production within the FASOM and FAPRI–CARD frameworks.

While the FASOM and FAPRI–CARD models project how much barley will be supplied to ethanol production, it should be noted that the amount of barley needed for ethanol production will likely come from a combination of increased production, decreases in others uses (e.g., animal feed), and decreases in exports compared to the control case

B. Results

As we did for our analysis of other renewable fuel feedstocks in the March 2010 RFS rule, we assessed what the lifecycle GHG emissions impacts would be from the use of additional volumes of barley for biofuel production. The information provided in this section discusses the outputs of the analysis using the FASOM and FAPRI–CARD agro-economic models to determine changes in the agricultural and livestock markets. These results from FASOM and FAPRI–CARD are then used to determine the GHG emissions impacts due to barley feedstock production. Finally, we include our analysis of the GHG emissions associated with different processing pathways and how these technologies affect the lifecycle GHG

[8] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0001, Dated June 20th, 2013 and personal communication with USDA.

[9] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0001, Dated June 20th, 2013.

[10] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0001, Dated June 20th, 2013.

[11] As described in the following sections, the FASOM model projected the combined impacts on the winter/spring barley market (e.g., by allowing the increased demand for barley ethanol to be filled by reduced use of barley for feed, increased production of winter or spring barley, decrease in exports). This volume assumption did not assume that all new barley production would be ''backfilled'' at a ratio of 80/140 spring barley to 60/140 winter barley.

[12] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0002, Dated June 20th, 2013.

emissions associated with barley ethanol.

1. Agro-Economic Impacts

As demand increases for biofuel production from a particular commodity, the supply generally comes from some mix of increased production, decreased exports, increased imports, and decreases in other uses of the commodity (e.g., use in animal feed or food). The primary use for barley in the U.S. is beer malting. For example, in the 2011/12 crop year, approximately 148 million bushels of barley went to malting, out of a total U.S. supply of 261 million bushels.[13] However, barley must meet very high quality specifications for characteristics including protein and starch content to be sold as malting barley. For this reason, malting-quality barley is sold at a premium. Barley that does not meet malting specifications is generally sold at a discount to the feed markets. For example, over the last five marketing years (2007/08 to 2011/12), farmers received an average price of $4.82 per bushel for malting quality barley but only $3.78 per bushel for non-malting quality barley.[14] Because of this dynamic, we expect malting to remain the highest value use, even if EPA approved an advanced biofuels pathway for barley ethanol. To the extent that barley is drawn from other uses for ethanol production, we expect it to come from either the feed or export markets.[15]

In the case of barley, FASOM estimates that the aggregate response to an increase in barley ethanol production of 140 million gallons (requiring 3.11 billion lbs of barley) by 2022 comes from an increase in production of barley (3.08 billion lbs). The increase in barley production is made possible partially by shifting production of wheat out of some barley-producing regions and partially by reducing production of corn and hay, though other factors have some influence as well (see Table II.B.1–1).[16] As demand for barley for ethanol production increases, harvested crop area in the U.S. is predicted to increase by 824 thousand acres in 2022 (see Table II.B.1–2). The majority of this net agricultural acre expansion occurs in Montana, a major spring barley producer. Crop acreage in Montana is in long-term decline, a trend that shows no signs of reversal, creating a large stock of idle crop acres in this region.[17] In the barley scenario, Montana crop acres continue to decline, but this decline is smaller than in the control case (see Table II.B.1–3).

TABLE II.B.1–1—SELECTED PROJECTED CHANGES IN PRODUCTION IN THE U.S. IN 2022 [18]

[Millions of lbs]

	Control case	Barley case	Difference
Barley	17,512	20,594	3,082
Distillers Grains	150,669	151,527	858
Wheat	152,214	152,218	4
Hay	76,657	76,643	−15
Corn	888,788	887,987	−802

TABLE II.B.1–2—PROJECTED CHANGE IN CROP HARVESTED AREA BY CROP IN THE U.S. IN 2022

[Thousands of acres]

	Control case	Barley case	Difference
Barley	5,115	5,886	771
Wheat	46,775	46,994	219
Soybeans	73,191	73,267	76
Corn	84,916	84,835	−81
Hay	42,059	41,881	−178
Other	59,454	59,471	17
Total*	311,511	312,335	824

*Total may differ from subtotals due to rounding.

TABLE II.B.1–3—PROJECTED CHANGE IN CROP HARVESTED AREA BY REGION IN THE U.S. IN 2022

[Thousands of Acres]

	Control case	Barley case	Difference
Montana	6,868	7,653	785
Other	304,645	304,683	38
All*	311,511	312,335	824

*Total may differ from subtotals due to rounding.

[13] U.S. Department of Agriculture Economic Research Service, *Feed Grains Database, http://www.ers.usda.gov/data-products/feed-grains-database.aspx#.UcMXqDvku2k* (Last accessed: June 20th, 2013).

[14] Ibid.

[15] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0002, Dated June 20th, 2013.

[16] Table II.B.1–1 shows that wheat production remains virtually flat across cases. The increase in wheat acreage shown in Table II.B.1–2 reflects the fact that increased barley demand is forcing wheat to shift to less productive acres.

[17] U.S. Department of Agriculture, National Agricultural Statistics Service, *NASS Quick Stats, http://quickstats.nass.usda.gov/* (Last accessed: June 20th, 2013).

[18] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0002, Dated June 20th, 2013.

Looking more closely at barley production specifically, although our barley ethanol production estimate assumes 60 million gallons from winter barley and 80 million gallons from spring barley, the majority of acreage expansion in all barley occurs in spring barley (approximately 95 percent). Since there is perfect substitution between spring and winter barley in the animal feed, malting, and export markets, much of the spring barley being diverted to ethanol production can be backfilled with winter barley. This does indeed happen in our analysis; all winter barley production in the control case is shifted from other uses (e.g., feed, exports) to ethanol production, with only a minor increase in overall winter barley production. Therefore, all of the additional spring barley production not only contributes to ethanol production from spring barley, but also to the feed and export markets that winter barley no longer contributes to in the barley case.

TABLE II.B.1–4—CHANGES IN BARLEY PRODUCTION AND USE IN THE U.S. IN 2022 [19]

[Millions of Bushels]

	Control case	Barley case	Difference
Winter Barley			
Production	1,236	1,389	154
Used in Biofuel Production	0	1,328	1,328
Spring Barley			
Production	16,277	19,205	2,958
Used in Biofuel Production	0	1,780	1,780
All Barley			
Production	17,512	20,594	3,082
Used in Biofuel Production	0	3,108	3,108
Used in Feed	4,151	4,150	−1
Used in Food and Malting	13,796	13,786	−7
Net Exports	−435	−453	−19

Since spring barley represents over 90 percent of annual production, we would expect to see more expansion of this growing practice. As Table II.B.1–5 below shows, spring barley production does indeed expand significantly in Oregon and Montana, two major spring barley producing regions, and to a lesser extent in the mid-tier barley producing areas of Wyoming and California. Winter barley production primarily expands in Virginia, which, along with Pennsylvania, is generally the largest producer of winter barley.[20]

TABLE II.B.1–5—SELECTED PROJECTED CHANGES IN REGIONAL BARLEY PRODUCTION IN THE U.S. IN 2022 [21]

[Millions of lbs]

	Control case	Barley case	Difference
Oregon	1,457	2,834	1,376
Wyoming	592	1,154	562
Montana	3,748	4,276	528
Virginia	284	415	131
California	735	813	77
Rest of U.S.	8,506	8,528	22

The FASOM model projects that direct use of barley for feed will decline by approximately 1 million lbs as a result of demand for ethanol production (see Table II.B.1–6). There is also a significant influx of distillers' grains (DGs) into the feed markets as a result of barley ethanol production. DG consumption in the domestic livestock sector increases by 858 million lbs. This increase primarily displaces corn and sorghum, whose use as feed declines by 477 and 178 million lbs respectively. Hay use for feed also declines by 61 million lbs. See Table II.B.1–6 below for further details.[22]

[19] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0002, Dated June 20th, 2013.

[20] In the 2010/11 crop year, Virginia harvested 48 thousand acres of barley out of a total of approximately 160 thousand nationwide. Pennsylvania harvested 45 thousand acres of winter barley. Source: U.S. Department of Agriculture Economic Research Service, *Feed Grains Database, http://www.ers.usda.gov/data-products/feed-grains-database.aspx#.UcMXqDvku2k* (Last accessed: June 20th, 2013).

[21] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0002, Dated June 20th, 2013.

[22] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0002, Dated June 20th, 2013.

TABLE II.B.1–6—SELECTED PROJECTED CHANGES IN FEED USE IN THE U.S. IN 2022[23]

[Millions of lbs]

	Control case	Barley case	Difference
Distillers Grains	78,171	79,028	858
Barley	4,151	4,150	−1
Hay	182,291	182,231	−61
Sorghum	33,022	32,844	−178
Corn	310,627	310,150	−477
Other	212,310	212,271	−39
All Feed Use	820,571	820,675	103

As demand for barley use in U.S. ethanol production increases, the FAPRI–CARD model estimates that the U.S. will decrease net exports of barley by 564 million lbs. Additionally, the U.S. will decrease exports of corn by 798 million lbs, wheat by 79 million lbs, and soybeans by 71 million lbs. This combination of impacts on the world trade of barley, corn, wheat, and soybeans has effects both on major importers, as well as on other major exporters. For example, Canada, a large net exporter of barley, increases its net barley exports by 227 million lbs; and Brazil, a large corn exporter, increases its net corn exports by 214 million lbs. Details for other major importers and exporters of barley and corn can be found in Table II.B.1–7 and Table II.B.1–8, respectively.[24]

TABLE II.B.1–7—PROJECTED CHANGE IN NET EXPORTS OF BARLEY BY COUNTRY IN 2022

[Millions of lbs]

	Control case	Barley case	Difference
U.S.	−330	−893	−564
Canada	4,486	4,713	227
Russia	6,112	6,190	78
EU	14,166	14,198	32
Australia	7,308	7,338	30
Rest of World	30,281	30,084	196

Note: A country with negative Net Exports is a Net Importer.

TABLE II.B.1–8—PROJECTED CHANGE IN NET EXPORTS OF CORN BY COUNTRY IN 2022

[Millions of lbs]

	Control Case	Barley Case	Difference
U.S.	121,329	120,531	−798
Brazil	23,853	24,067	214
Mexico	−26,449	−26,266	182
China	12,388	12,474	85
Canada	−4,657	4,600	57
Rest of World	−125,586	−125,326	260

Note: A country with negative Net Exports is a Net Importer

The change in trade patterns directly impacts the amount of production and harvested crop area around the world. Harvested crop area for barley is not only predicted to increase in the U.S., but also in Russia (26 thousand acres), Canada (25 thousand acres) and other parts of the world. Worldwide barley harvested area outside of the U.S. would increase by 107 thousand acres. Similarly, the decrease in U.S. corn and soy exports would lead to an increase of harvested acres outside the U.S. for these crops. EPA predicts that worldwide corn harvested area outside of the U.S. would increase by 51 thousand acres and that soybean harvested area outside of the U.S. would increase by 10 thousand acres.

Overall harvested crop area in other countries also increases, particularly in Brazil. Brazil's total harvested area is predicted to increase by 35 thousand acres by 2022. This is mostly comprised of an increase in corn of 19 thousand acres, and an increase in soybeans of 17 thousand acres, along with minor changes in other crops. More details on projected changes in world harvested crop area in 2022 can be found below in Table II.B.1–9, Table II.B.1–10, Table II.B.1–11, Table II.B.1–12, and Table II.B.1–13.[25]

[23] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0002, Dated June 20th, 2013.

[24] The FAPRI–CARD analysis conducted for this rulemaking can be accessed as a Memo to the Docket, EPA–HQ–OAR–2013–0178–0003, Dated June 20th, 2013. The Control Case was previously docketed as part of the March 2010 RFS FRM (see EPA–HQ–OAR–2005–0161–3166). See these two documents for full net export data on all major crops.

[25] See our FAPRI–CARD results for full information on these tables and our other international modeling in support of this rulemaking. The analysis conducted for this rulemaking can be accessed as Memo to the Docket, EPA–HQ–OAR–2013–0178–0003, and Dated June 20th, 2013. The Control Case was previously docketed as part of the March 2010 RFS FRM (see EPA–HQ–OAR–2005–0161–3166).

TABLE II.B.1–9—PROJECTED CHANGE IN INTERNATIONAL (NON-U.S.) HARVESTED AREA BY COUNTRY IN 2022

[Thousands of acres]

	Control case	Barley case	Difference
Brazil	136,739	136,773	35
Africa & Middle East	222,669	222,357	28
Russia	96,920	96,940	20
India	332,143	332,155	12
Rest of World (non-U.S.)	1,237,730	1,237,746	17
International Total (non-U.S.)	2,026,200	2,026,312	112

TABLE II.B.1–10—PROJECTED CHANGE IN INTERNATIONAL (NON-U.S.) HARVESTED AREA BY CROP IN 2022

[Thousands of acres]

	Control case	Barley case	Difference
Barley	136,223	136,329	107
Corn	307,392	307,442	51
Soybeans	202,157	202,167	10
Other	1,380,428	1,380,373	−55
International Total (non-U.S.)	2,026,200	2,026,312	112

TABLE II.B.1–11—PROJECTED CHANGE IN INTERNATIONAL (NON-U.S.) BARLEY HARVESTED AREA BY CROP IN 2022

[Thousands of acres]

	Control case	Barley case	Difference
Russia	24,981	25,006	26
Canada	9,512	9,537	25
Africa & Middle East	29,522	29,538	16
Australia	10,308	10,319	11
Rest of World	61,900	61,929	29
International Total (non-U.S.)	136,223	136,329	107

TABLE II.B.1–12—PROJECTED CHANGE IN INTERNATIONAL (NON-U.S.) CORN HARVESTED AREA BY CROP IN 2022

[Thousands of acres]

	Control case	Barley case	Difference
Brazil	21,096	21,115	19
Africa & Middle East	73,081	73,095	15
China	79,471	79,479	8
India	20,156	20,162	6
Mexico	19,000	19,005	5
Rest of World	94,589	94,587	−3
International Total (non-U.S.)	307,392	307,443	51

TABLE II.B.1–13—PROJECTED CHANGE IN INTERNATIONAL (NON-U.S.) SOYBEANS HARVESTED AREA BY CROP IN 2022

[Thousands of acres]

	Control case	Barley case	Difference
Brazil	69,452	69,469	17
Rest of World	132,705	132,698	−7
International Total (non-U.S.)	202,157	202,167	10

2. International Land Use Change Emissions

Today's assessment of barley as an ethanol feedstock considers GHG emissions from international land use changes related to the production and use of barley and applies the same land use change modeling approach used in the March 2010 RFS rule for analyses of other biofuel pathways.

In our analysis, GHG emissions per acre of land conversion internationally (i.e., outside of the United States) are determined using the emissions factors developed for the March 2010 RFS rule following IPCC guidelines. In addition, estimated average forest carbon stocks were updated based on a new study which uses a more robust and higher resolution analysis. For the March 2010 RFS rule, international forest carbon stocks were estimated from several data sources each derived using a different methodological approach. Two new analyses on forest carbon stock estimation were completed since the release of the final March 2010 RFS rule, one for three continental regions

by Saatchi et al.[26] and the other for the EU by Gallaun et al.[27] We have integrated this updated understanding of forest carbon stocks into our recent pathways analyses. More detailed information on the land use change emissions can be found in the accompanying docket.[28]

Table II.B.2–1 includes the international land use change GHG emissions results for the scenarios modeled, in terms of kilograms of carbon-dioxide equivalent emissions per million British thermal units of barley ethanol ($kgCO_2e/mmBtu$).

TABLE II.B.2–1—INTERNATIONAL LAND USE CHANGE GHG EMISSIONS

[$kgCO_2e/mmBtu$][29]

Region	Emissions
Brazil	17
Asia	5
Africa and Middle East	2
Eastern Europe & Russia	2
India	2
International Total (non-U.S.)	26

3. Barley Ethanol Processing

Based on information submitted by petitioners, we expect dry milling will be the most common process for producing ethanol from barley. Therefore this section focuses on a lifecycle GHG emissions analysis of several variations of the dry mill process. In the dry milling process, the barley is ground and fermented to produce ethanol. The remaining components (distillers grains) are then either left wet if used in the near-term or dried for longer term use as animal feed.

For this analysis the amount of barley used for ethanol production as modeled by the FASOM and FAPRI–CARD models was based on yield assumptions built into those two models. Specifically, the models assume barley ethanol yields of 2.16 gallons (pure ethanol) per bushel for dry mill plants (yields represent pure ethanol).

As per the analysis done in the March 2010 RFS rule, the GHG emission calculation from ethanol production needs to account for not only the renewable fuel produced, but also any co-products. For barley ethanol production, this analysis accounts for the DG co-product use directly in the FASOM and FAPRI–CARD agricultural sector modeling described above. DG are considered a replacement animal feed and thus reduce the need to make up for the barley production that went into ethanol production. Since FASOM takes the production and use of DG into account, no further allocation was needed at the ethanol plant and all plant emissions are accounted for there.

Our analysis assumed hulled barley was grown and used to produce ethanol. The hulls are abrasive and during the ethanol process they are removed prior to further processing and conversion of the barley into ethanol. Our modeling considered two scenarios for the barley hulls, either they were discarded and received no co-product benefit, or they were used beneficially as an energy source replacing some of the energy used on-site. The results of considering the beneficial use of the hulls as an energy source are shown below.

Overall fuel and electricity use for barley ethanol production was based on the energy use information for corn ethanol production from the March 2010 RFS rule analysis. For the March 2010 RFS rule, EPA modeled future plant energy use to represent plants that would be built to meet requirements of increased ethanol production, as opposed to current or historic data on energy used in ethanol production. The energy use at dry mill ethanol plants was based on ASPEN models developed by USDA and updated to reflect changes in technology out to 2022 as described in the March 2010 RFS rule RIA Chapter 1.

The work done on ethanol production for the March 2010 RFS rule was based on converting corn to ethanol. Converting barley to ethanol will result in slightly different energy use based on differences in the grains and how they are processed. For example, a barley plant requires more energy than a corn plant per gallon of ethanol produced since the starch/fiber ratio in corn is different than it is in barley. The same ASPEN USDA models used for corn ethanol in the final rule were also developed for barley ethanol. Based on the numbers from USDA, a barley ethanol plant uses 1.2 times the thermal process energy of a corn ethanol plant and 1.3 times the electrical energy per gallon of ethanol produced.

The GHG emissions from production of ethanol from barley were calculated in the same way as other fuels analyzed as part of the March 2010 RFS rule. The GHG emissions were calculated by multiplying the BTUs of the different types of energy inputs at the barley ethanol plant by emissions factors for combustion of those fuel sources. The emission factors for the different fuel types are the same as those used in the March 2010 RFS rule and were based on assumed carbon contents of the different process fuels. The emissions from producing electricity in the U.S. were also the same as used in the March 2010 RFS rule, which were taken from GREET and represent average U.S. grid electricity production emissions.

4. Results of Lifecycle Analysis for Ethanol From Barley (Conventional Ethanol Example)

Consistent with our approach for analyzing other pathways, our analysis for barley ethanol includes a mid-point estimate as well as a range of possible lifecycle GHG emission results based on an uncertainty analysis conducted by the Agency (see Section II.C.2 for further information). The graph included below (Figure II.B.4–1) depicts the results of our analysis (including the uncertainty in our land use change modeling) for barley ethanol produced in a plant that uses natural gas for process energy, electricity from the grid and produces 100% dry DG.

[26] Saatchi, S.S., Harris, N.L., Brown, S., Lefsky, M., Mitchard, E.T.A., Salas, W., Zutta, B.R., Buermann, W., Lewis, S.L., Hagen, S., Petrova, S., White, L., Silman, M. And Morel, A. 2011. Benchmark map of forest carbon stocks in tropical regions across three continents. *PNAS* doi: 10.1073/pnas.1019576108.

[27] Gallaun, H., Zanchi, G., Nabuurs, G.J., Hengeveld, G., Schardt, M., Verkerk, P.J. 2010. EU-wide maps of growing stock and above-ground biomass in forests based on remote sensing and field measurements. *Forest Ecology and Management* 260: 252–261.

[28] See Section 5, Forest Carbon Stocks in EPA–HQ–OAR–2011–0542–0058, Attachment 9.

[29] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0006, and Dated June 20th, 2013.

Figure II.B.4–1 shows the results of our barley ethanol modeling for this type of plant. It shows the percent difference between lifecycle GHG emissions for 2022 barley ethanol and those for the 2005 baseline for petroleum gasoline. Lifecycle GHG emissions equivalent to the gasoline fuel baseline are represented on the graph by the zero on the X-axis. The midpoint of the range of results is a 47% reduction in GHG emissions compared to the 2005 gasoline baseline.[30] As in the case for biofuel pathways analyzed as part of the March 2010 RFS rule, the range of results shown in Figure II.B.4–1 is based on our assessment of uncertainty regarding the location and types of land that may be impacted as well as the GHG impacts associated with these land use changes. These results, if finalized, would justify a determination that barley ethanol would meet the 20% reduction threshold required for the generation of conventional renewable fuel RINs.

Figure II.B.4-1 Distribution of Results for Barley Ethanol Produced in Dry Mill Plants that Use Natural Gas for process energy, grid electricity and Produce 100% Dry DG

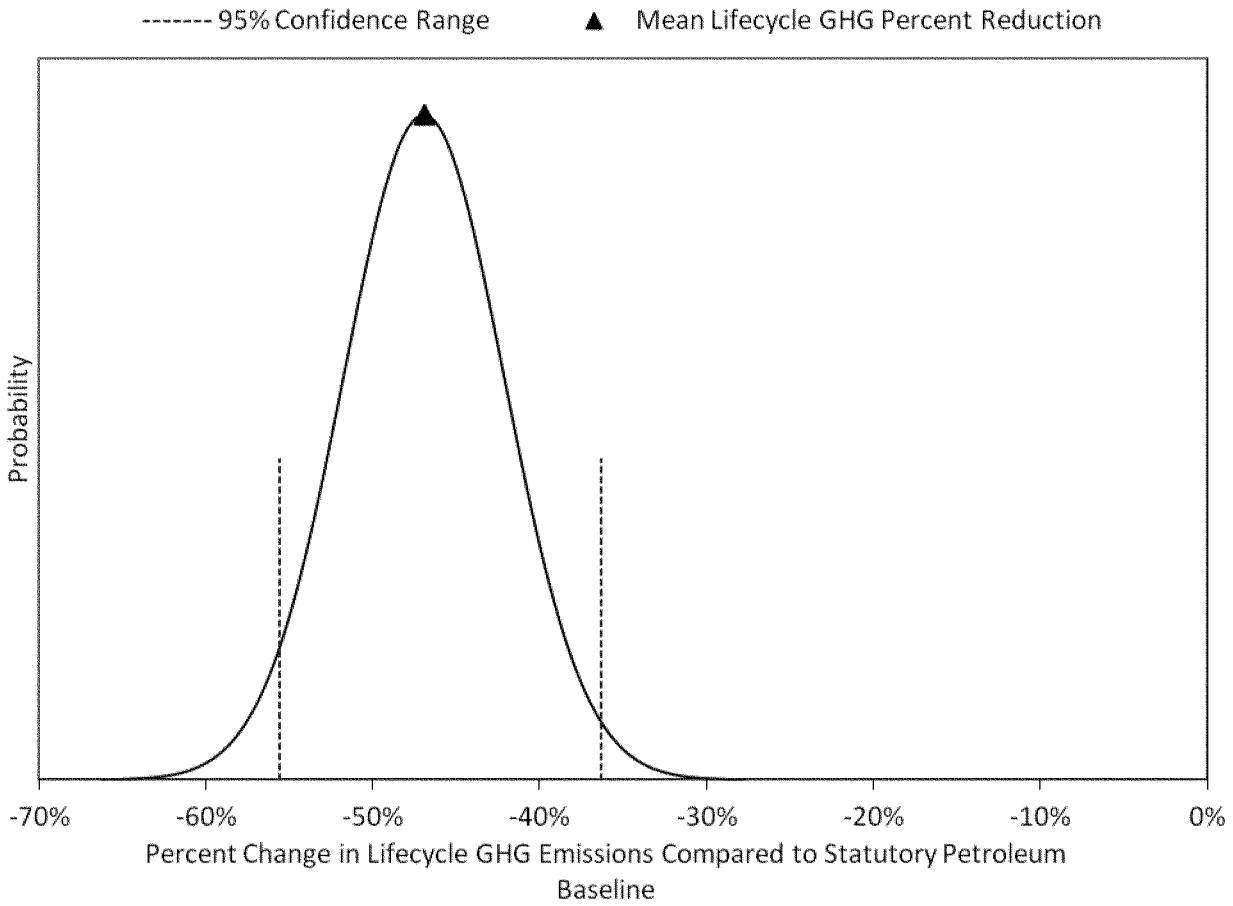

Table II.B.4–1 breaks down by stage the lifecycle GHG emissions of the 2005 gasoline baseline and of barley ethanol that is produced in 2022 in a dry mill plant using natural gas for process energy, grid electricity, and drying 100% of DG.[31] Results are included using our mid-point estimate of land use change emissions, as well as with the low and high end of the 95% confidence interval. Net agricultural emissions include impacts related to changes in crop inputs, such as fertilizer, energy used in agriculture, livestock production and other agricultural changes in the scenarios modeled. The fuel production stage includes emissions from ethanol production plants. Fuel and feedstock transport includes emissions from transporting bushels of harvested barley from the farm to ethanol production facility.

[30] The 95% confidence interval around that midpoint results in range of a 36% reduction to a 56% reduction compared to the 2005 gasoline fuel baseline.

[31] Totals in the table may not sum due to rounding.

TABLE II.B.4–1—LIFECYCLE GHG EMISSIONS FOR BARLEY ETHANOL PRODUCED IN DRY MILL PLANTS THAT USE NATURAL GAS FOR PROCESS ENERGY, GRID ELECTRICITY AND PRODUCE 100% DRY DG

[g CO_2-eq/mmBtu]

Fuel type	Barley ethanol	2005 Gasoline baseline
Net Agriculture (w/o land use change)	−3,975	
Land Use Change, Mean *(Low/High)*	11,290 *(2,784/21,679)*	
Fuel Production	39,069	19,200
Fuel and Feedstock Transport	4,861	*
Tailpipe Emissions	880	79,004
Total Emissions, Mean *(Low/High)*	52,124 *(43,618/62,513)*	98,204
Midpoint Lifecycle GHG Percent Reduction Compared to Petroleum Baseline	47%	

* Emissions included in fuel production stage.

It should be noted that there are a number of reasons why the estimated land use change emissions attributed to any given feedstock may differ from those estimated for another feedstock that has been analyzed in the past. Chief among these are differences in inputs required for production; differences in markets for a given commodity, and how they are impacted; and differences in regional production patterns and the relationships to markets and other commodities in those regions (domestically and internationally). The FASOM and FAPRI–CARD model take all of these differences into account in our analysis. The docket for this NODA provides more details on our key model inputs and assumptions (e.g., crop yields, biofuel conversion yields, and agricultural energy use). These inputs and assumptions are based on our analysis of peer-reviewed literature and consideration of recommendations of experts from within the barley and ethanol industries, USDA, and academic institutions. EPA invites comment on all aspects of its modeling of barley ethanol, including all assumptions and modeling inputs.

5. Impacts of Different Process Technology Approaches on Barley Ethanol Lifecycle Results

There are a number of process technologies that could be employed in the production of barley ethanol that would result in lower GHG emissions than shown in the previous section for a natural gas barley plant that uses grid electricity and produces 100% dry DG. Three different approaches are examined here with their associated GHG emissions.

- Production of wet DG.
- Replacement of purchased grid electricity with electricity having a lower GHG emissions factor.
- Replacement of natural gas with lower GHG emitting fuel source.

One of the energy drivers of ethanol production is drying of the DG. Plants that are located close to feedlots have the ability to provide the co-product without drying and thus reducing their natural gas use and associated GHG emissions. This energy use and GHG reduction has a large enough impact on overall results in previous analyses that in the March 2010 RFS rule we established separate pathways for corn ethanol when the co-product DG was wet versus dry. The amount of fuel used to dry DG is related to percent of DG that are dried, but some dry mills can dry DG more efficiently (i.e., use less natural gas per pound of DG dried) and/or replace the natural gas used to dry DG with lower-GHG emitting fuel sources. As the GHG calculations related to fuel use at processing facilities are based on the amount of fuel used times an emission factor plus the amount of electricity used from the grid times an emission factor, the percent of DG dried only matters to the extent that it impacts the amount of fuel and electricity used per batch of ethanol produced. Therefore, instead of analyzing and proposing a pathway for barley ethanol that is based on reduced DG drying as an option to produce fuel that qualifies as advanced biofuel (minimum 50% GHG reduction), we are instead proposing to ascertain the amount and types of process fuel used and the amount of grid electricity used per gallon of barley ethanol produced that would be consistent with a 50% GHG reduction.

Production facilities that utilize combined heat and power (CHP) systems can also reduce GHG emissions relative to less efficient system configurations. CHP, also known as cogeneration, refers to industrial processes in which waste heat from the production of electricity is used for process energy in the renewable fuel production facility. The most common configuration in ethanol plants, and the one considered here, involves using the boiler to power a turbine generator unit that produces electricity and using waste heat to produce process steam. While the thermal energy demand for an ethanol plant using CHP technology is slightly higher than that of a conventional plant, the additional energy used is far less than what would be required to produce the same amount of electricity in an offsite (central) power plant. The increased efficiency is due to the ability of the ethanol plant to effectively utilize the waste heat from the electricity generation process. Since CHP technologies on natural gas plants replace some of the purchased electricity but increase process energy use emissions (because of increased natural gas use on-site), the net result is a small reduction in overall emissions. The difference between CHP and non-CHP plants is reflected in their use of different amount of primary energy (natural gas, biogas, etc.) and the amount of electricity used from the grid. Because the only advanced biofuel pathways we are proposing today for the production of barley ethanol specify maximum amounts of primary energy and grid electricity that can be used per gallon of ethanol produced, we are not proposing a pathway that specifies the use of CHP. However, we believe that CHP is likely to be one of the technologies used to meet these energy and electricity use thresholds.

Use of an alternative fuel source to replace natural gas for process energy can also reduce the GHG emissions of a barley ethanol plant. As shown in the ''Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Grain Sorghum'' Published December 17, 2012 (77 FR 242), hereafter the ''Sorghum rule,'' switching from natural gas to biogas can reduce lifecycle GHG emissions from ethanol production. Use of such biogas would also provide a way for barley ethanol plants to reduce their GHG emissions. We have assumed for purposes of this NODA that biogas used for process energy comes from landfills, waste treatment plants or waste

digesters. Such biogas is assumed to have zero upstream GHG impacts, as discussed in the sorghum rule. Our modeling shows that even if a dry mill plant uses grid electricity and dries 100% of its DGs, that plant may be able to replace enough natural gas with biogas from a landfill, waste treatment plant or waste digester to lower their GHG emissions enough to meet a 50% lifecycle GHG reduction compared to the baseline petroleum gasoline replaced. As such, today we are proposing two pathways that would allow barley ethanol to qualify as advanced biofuel if it is produced at dry mills that keep their use of natural gas and grid electricity below certain levels, as specified below. Because the use of biogas results in some lifecycle GHG emissions, although significantly lower than the use of fossil-based natural gas, the advanced biofuel pathways for barley ethanol proposed in today's NODA specify maximum amounts of biogas that can be used in combination with natural gas and grid electricity while still meeting the 50% lifecycle GHG reduction threshold.

Specific to the barley ethanol process is the possibility of using barley hulls as an energy source. In the case of barley hulls, the upstream CO_2 emissions from the hulls are already accounted for as part of the land use change calculations for the barley as a renewable fuel feedstock. Furthermore, since none of the barley ethanol emissions were allocated to the hulls, as discussed above, the beneficial use of the hulls would not require any adjustment to the barley lifecycle results. Therefore, similar to GHG emissions associated with use of biogas from the sources listed above, the use of barley hulls either directly as an energy source or in digesters producing biogas would not result in additional CO_2 emissions, and can replace the use of higher-GHG emitting sources of energy, such as natural gas and grid electricity. Because the use of barley hulls results in some lifecycle GHG emissions, although significantly lower than the use of fossil-based natural gas, the advanced biofuel pathways for barley ethanol proposed in today's NODA specify maximum amounts of barley hulls that can be used in combination with natural gas and grid electricity while still meeting the 50% lifecycle GHG reduction threshold.

The following Table II.B.5–1 shows the mean lifecycle GHG reductions compared to the baseline petroleum fuel for a number of different barley ethanol pathways.

TABLE II.B.5–1—LIFECYCLE GHG EMISSION REDUCTIONS FOR DRY MILL BARLEY ETHANOL FACILITIES

[% Change compared to petroleum gasoline]

Fuel type and technology	% Change
Dry mill process, using natural gas for process energy, grid electricity, and producing up to 100% dry DG	47
Dry mill process using, on a per gallon basis averaged over the number of gallons in each batch, no more than 30,700 Btu of natural gas for process energy, no more than 4,200 Btu of biomass from barley hulls or biogas (biogas must be from landfills, waste treatment plants, barley hull digesters, or waste digesters) for process energy, and no more than 0.84 kWh of electricity from the grid for all electricity used at the renewable fuel facility	>50
Dry mill process using no more than 36,800 Btu natural gas for process energy calculated on a per gallon basis averaged over the number of gallons in each batch, and using natural gas for on-site production of all electricity used at the renewable fuel facility other than up to 0.19 kWh of electricity from the grid calculated on a per gallon basis averaged over the number of gallons in each batch	>50

As stated above, the docket for this NODA provides more details on our key modeling assumptions. EPA invites comment on all aspects of its modeling of advanced barley ethanol configurations, including all assumptions and modeling inputs.[32]

C. Consideration of Lifecycle Analysis Results

1. Implications for Threshold Determinations

As discussed above, EPA's analysis shows that, based on the mid-point of the range of results, ethanol produced from barley using a variety of processing technologies has the potential to meet the 50 percent GHG emissions reduction threshold needed to qualify as an advanced biofuel.[33] Barley ethanol meets the 20% lifecycle GHG emissions reduction threshold for conventional biofuels when assuming natural gas is used as the process fuel in a dry mill plant using grid electricity and drying 100% DG. If finalized, Table 1 to Section 80.1426 would be modified to add these new pathways. Table II.C.1–1 illustrates how these new pathways would be included in the existing table. Data, analysis and assumptions for each of these processing technologies are provided in the docket for this NODA. We invite comment on all aspects of this analysis.

TABLE II.C.1–1—PROPOSED APPLICABLE D CODES FOR BARLEY ETHANOL PRODUCED WITH DIFFERENT PROCESSING TECHNOLOGIES

Fuel type	Feedstock	Production process requirements	D-Code
Ethanol	Barley	Dry mill process, using natural gas for process energy and grid electricity, and producing up to 100% DG	6

[32] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0001, Dated June 20th, 2013.

[33] As with our analysis showing that barley ethanol meets the 20 percent threshold to qualify as conventional biofuel, our analysis here included a 95 percent confidence interval that represents the uncertainty in our modeling. See Memo to the Docket, EPA–HQ–OAR–2013–0178–0005, Dated June 20th, 2013.

TABLE II.C.1–1—PROPOSED APPLICABLE D CODES FOR BARLEY ETHANOL PRODUCED WITH DIFFERENT PROCESSING TECHNOLOGIES—Continued

Fuel type	Feedstock	Production process requirements	D-Code
Ethanol	Barley	Dry mill process using, on a per gallon basis averaged over the number of gallons in each batch, no more than 30,700 Btu of natural gas for process energy, no more than 4,200 Btu of biomass from barley hulls or biogas from landfills, waste treatment plants, barley hull digesters, or waste digesters for process energy, and no more than 0.84 kWh of electricity from the grid for all electricity used at the renewable fuel production facility.	5
Ethanol	Barley	Dry mill process using no more than 36,800 Btu natural gas for process energy calculated on a per gallon basis averaged over the number of gallons in each batch, and using natural gas for on-site production of all electricity used at the renewable fuel production facility other than up to 0.19 kWh of electricity from the grid calculated on a per gallon basis averaged over the number of gallons in each batch.	5

The advanced biofuel pathways for barley ethanol proposed in Table II.C.1–1, specify maximum amounts of different types of energy and grid electricity that can be used for the fuel to qualify as advanced biofuel. In the RFS March 2010 rule, EPA used a technology-based approach for determining whether a fuel from a specific feedstock met the lifecycle GHG emissions reduction thresholds required by CAA (o). As outlined in § 80.1426 Table 1, EPA specified the feedstock (e.g., corn starch), fuel (e.g., ethanol), and process type (e.g., dry mill process using natural gas and two advanced technologies in Table 2) needed to generate a conventional (D–6) RIN. Examples of advanced corn ethanol technologies in Table 2 include membrane separation, corn oil fractionation and combined heat and power configurations. This technology based approach included certain assumptions about conversion yields and energy use, and how advanced technologies could reduce average GHG emissions. The regulations also specified a time period over which application of advanced technologies would be averaged. For example, the corn ethanol pathways specify that the amount of DG drying was to be calculated on an annual basis.

As discussed above and as was done in the sorghum rule, our analysis finds a range of possible technologies and process configurations for barley ethanol production that could meet a 50% lifecycle GHG reduction. As such, instead of prescribing certain types of technologies that producers must use to meet the thresholds, we are proposing pathways (like we did for sorghum) that are based on the maximum amount of different sources of energy that can be used to produce the barley ethanol.

This approach generates a number of questions, therefore, we discuss and invite comment on several aspects of the proposed advanced biofuel pathways for barley ethanol, including what energy should be included in the calculation and how the calculation should be conducted. Beyond the specifics of the calculations, however, is also how compliance is to be measured and reported, along with the associated record keeping requirements. We specifically invite comments from producers, obligated parties, and parties that purchase and verify RINs regarding how we should structure the regulations to attribute energy inputs to specific batches of fuel, and from parties that purchase and verify RINs regarding how to structure requirements that will enable them to efficiently evaluate whether RINs generated under the proposed pathways are valid before they purchase or verify the validity of the RINs.

The two advanced biofuel pathways for barley ethanol proposed in Table II.C.1–1 specify maximum amounts of different types of energy and grid electricity that can be used for the fuel to qualify as advanced biofuel, calculated on a per gallon basis averaged over the number of gallons of ethanol in each batch. A key element of this approach is the ability of renewable fuel producers to accurately calculate each type of energy used on a per batch basis. Evaluating ethanol on a batch-by-batch basis allows parties to evaluate whether such requirements have been met at the time of RIN generation. The structure of the RFS program is already set up in several respects to consider compliance on a batch basis for qualifying renewable fuels. Similarly, the EPA Moderated Transaction System (EMTS) used to manage RIN transactions was designed for batch-by-batch record-keeping, reporting and transactions.

The main benefit of batch-by-batch compliance is that it allows parties to know whether the requirements for the advanced biofuel pathways are being met at the time of RIN generation. Since invalid RINs cannot be transferred or used for compliance, EPA puts a high priority on ensuring that any new pathways will allow parties to evaluate the validity of RINs at the time they are generated.

The main concern with evaluating compliance with the GHG thresholds for barley on a batch-by-batch basis, however, is that it may allow cherry-picking in the production of barley ethanol, allowing more energy consumption to be associated with some fuel batches and less with others. This might allow some barley ethanol to qualify as advanced (D5), while over time barley ethanol production may not otherwise meet the advanced threshold. Alternatively, evaluating compliance on a batch-by-batch basis may result in reduced volumes of advanced biofuel being produced if during times of abnormal operations energy consumption spiked. The result would be batches of biofuel produced temporarily that would not meet the lifecycle thresholds while over the course of weeks, months, or years such aberrations would not cause the pathway to satisfy the lifecycle performance thresholds.

In addition, batch-by-batch compliance means that parties would have to have the ability not only to express things like energy consumption on a batch specific basis, but also to measure, and verify that things like energy consumption met the requirements for each and every batch despite operational changes and fluctuations. Energy use is ongoing as is fuel production; however there are energy intensive operations associated with a certain gallon of ethanol produced that may occur on a different timeframe than ethanol production. For example, if DG is produced from a certain gallon but then set aside and not

dried until a later date, the energy used to dry the DG would not occur at the same time as ethanol production. Furthermore, energy use could be ongoing during times when no ethanol is produced. There is concern that energy use would not be accounted for if it occurred in between production of batches. EPA seeks comment on how renewable fuel producers should assign energy use to each batch, and on whether the regulations should specify the formula or allow RIN generators to provide a plan that demonstrates and documents how a facility would calculate energy use on a per batch basis. EPA is seeking comment on whether the renewable fuel producer would be able to accurately track (and account for the energy use) that is associated with any particular batch of ethanol. While EPA is taking comment on a number of different options in this NODA, it is our intent to codify only one approach in the final rule.

An alternative approach that EPA is considering calculates the energy use per gallon over a time period instead of over the number of gallons in each batch. For example, energy use per gallon of barley ethanol could be calculated on a weekly, monthly, quarterly or annual basis. This approach may make it more difficult for a party who purchases RINs that are generated during the averaging period (e.g., during a particular quarter if calculations are done on a quarterly basis) to have confidence in the validity of the RINs. One advantage of requiring the energy use to be calculated on a quarterly basis is that the RFS program currently requires biofuel producers to report certain data on a quarterly basis. The quarterly reports require a more comprehensive set of information from fuel producers than what is currently collected on a batch-by-batch basis. As such, calculating the energy use per gallon of barley ethanol on a quarterly or annual basis may allow for closer alignment with the types of information that are already reported at such intervals. The primary reason that EPA is not proposing to use a quarterly or annual basis to calculate average energy use per gallon of barley ethanol for the advanced pathways is that it would not always allow parties purchasing or verifying barley ethanol RINs to know whether the requirements for the advanced biofuel pathways are being met at the time of RIN generation. If it was determined at the end of the averaging period that the pathway requirements were not met, then all RINs generated during the time period would be invalid. We invite comment on whether a weekly, monthly, quarterly or annual basis for calculating average energy use per gallon would be better than the proposed batch-by-batch basis for barley ethanol.

Another alternative that we seek comment on is whether to calculate average energy use per gallon as a rolling average for all gallons of barley ethanol in the batch in question and all gallons of barley ethanol produced at the facility during a preceding time period. If the rolling average period was one year, this approach would average the total amount of energy used for the current batch with the average amount of energy used in all batches produced in the preceding 364 days. This approach would still calculate average energy use at the time that each batch of barley ethanol was produced, so it would also have the advantage of being well-aligned with the RFS regulations at § 80.1426. The use of a rolling average would provide the additional benefit of smoothing out variability in energy use at barley ethanol facilities. For example, energy use could fluctuate significantly in the winter compared to the summer, or due to other circumstances. A rolling average approach could allow a barley ethanol producer who consistently maintained energy use below the maximum levels to continue generating advanced biofuel RINs if their energy use increased during one season or month of the year.

Under the rolling average approach, no special requirements would be needed for facilities that dry DG in batches as compared to facilities that dry them continuously. This is because the rolling average approach is designed to account for temporal variability in energy use. For example, if a facility stockpiled and dried a large enough batch of DG to push their energy use above the maximum levels specified in the advanced biofuel pathways, then they would not be able to generate RINs until their rolling average came back down to compliant levels. This approach would provide parties who purchase RINs with the information that they need to evaluate the validity of the RINs before the purchase them, and would reduce the risk that the RIN would later be found to be invalid. This illustrates one example of where the rolling average approach may have significant advantages. However, using a rolling average approach might create reporting challenges if a plant is coprocessing barley with another feedstock. For example, if the rolling average is done on a fuel-specific basis, a producer could attempt to allocate high energy activities to the fuel produced from the other feedstock, making energy used to produce barley ethanol look less intensive than it actually is.

EPA invites comment on whether the proposed advanced biofuel pathways for barley ethanol should calculate average energy use per gallon as a rolling average for all gallons of barley ethanol produced at the facility during a preceding time period and whether this approach would be preferable to other approaches. This includes comment on methods for preventing any sort of gaming of the system under a rolling average approach.

EPA seeks comment on the best approach for calculating the average energy use per gallon of ethanol for the proposed advanced biofuel pathways for barley ethanol. The Agency asks commenters to consider the complexity of any proposed approach, how well it fits within the existing RFS regulations, and how well it addresses the issues (e.g., temporal variation in energy use) discussed above.

EPA also seeks comment on the most appropriate way for renewable fuel producers to track and report the energy use associated with a batch of renewable fuel. One possible approach is for a renewable fuel producer to take meter readings at the start and end of a batch, documentation of which would need to be included in the recordkeeping requirements. EPA seeks comment on the practicability of this approach, especially considering that any drying of DG associated with a given batch of ethanol would necessarily need to be completed by the time energy use is calculated for a given batch. EPA is proposing to attribute all the energy used (e.g., lights, administrative offices) at the renewable fuel facility to the batch, for ease in tracking and compliance purposes. EPA is also taking comment on whether there are practical ways to limit the energy use more directly to the batch of fuel. If all energy use should not be attributed to production of the renewable fuel, EPA seeks comments on which equipment should be included, and how the renewable fuel producer would be able to track and report the energy use for renewable fuel separate from ancillary functions. We also seek comment on whether the energy use associated with ancillary functions significantly contributes to the GHG emissions associated with a renewable fuel.

EPA proposes to prohibit parties that use multiple pathways to produce a single batch of fuel from generating RINs under the proposed advanced barley pathways. We do not believe that it is practical to determine if a producer meets the energy usage limitations

required by the Barley pathways if it is using multiple pathways to produce a given batch of fuel.

EPA also invites comment on whether, if the annual average, batch-by-batch or rolling average approaches to compliance for the advanced barley pathways raise significant implementation concerns that cannot be addressed, it would be more appropriate to use the technology based approach currently in place for corn ethanol facilities.

EPA is also proposing a record-keeping and reporting system that will allow eligible barley ethanol producers using the proposed advanced biofuel pathways to demonstrate compliance with the 50% GHG reduction threshold. The proposed record-keeping and reporting approach will allow producers to show compliance with the new pathway by reporting and keeping records, on an ongoing basis regarding their process energy and electricity use and fuel production yields. The details of EPA's proposed new pathways and potential accompanying compliance approach (including registration, recordkeeping, and reporting) are described in a Memo to the Docket.[34]

2. Consideration of Uncertainty

Because of the inherent uncertainty and the state of evolving science regarding lifecycle analysis of biofuels, any threshold determinations that EPA makes for barley ethanol will be based on an approach that considers the weight of evidence currently available. For this pathway, the evidence considered includes the mid-point estimate as well as the range of results based on statistical uncertainty and sensitivity analyses conducted by the Agency. EPA will weigh all of the evidence available to it, while placing the greatest weight on the best-estimate value for the scenarios analyzed.

As part of our assessment of the barley ethanol pathway, we have identified key areas of uncertainty in our analysis. Although there is inherent uncertainty in all portions of the lifecycle modeling, we focused our analysis on the factors that are the most uncertain and have the biggest impact on the results. The indirect, international emissions are the component of our analysis with the highest level of uncertainty. The type of land that is converted internationally and the emissions associated with this land conversion are critical issues that have a large impact on the GHG emissions estimates.

Our analysis of land use change GHG emissions includes an assessment of uncertainty that focuses on two aspects of indirect land use change—the types of land converted and the GHG emissions associates with different types of land converted. These areas of uncertainty were estimated statistically using the Monte Carlo analysis methodology developed for the March 2010 RFS rule.[35] Figure II.B.4–1 shows the results of our statistical uncertainty assessment.

Based on the weight of evidence considered, and putting the most weight on our mid-point estimate results, the results of our analysis indicate that barley ethanol would meet the minimum 20% GHG performance threshold for qualifying renewable fuel under the RFS program when using natural gas for all process energy, grid electricity, and drying 100% DG, and would meet the minimum 50% GHG performance threshold for advanced biofuels under the RFS program when using technologies that either reduce energy use or rely on low GHG-emitting energy sources. This conclusion is supported by our midpoint estimates, our statistical assessment of land use change uncertainty, as well as our consideration of other areas of uncertainty.

An additional source of uncertainty is the distribution of ethanol production between spring and winter barley. EPA has worked to mitigate this source of uncertainty through extensive consultation with public and private sector barley experts and stakeholders. This consultation led to the determination that approximately 140 million gallons of barley ethanol production by 2022 would be a reasonable assumption, as would the assumption that approximately 80 million gallons will come from spring barley and approximately 60 million gallons will come from winter barley. However, we acknowledge that there remains uncertainty regarding how much ethanol will be produced from each of the two regional growing practices. We also acknowledge that this pathway would be applicable to international production. Based on our consultation of USDA and other experts, we do not anticipate any significant international production of barley ethanol. But that is an additional source of potential uncertainty. We therefore invite comment regarding the magnitude and significance of this uncertainty with regards to our analysis, as well as potential alternative methods of accounting for any significant uncertainty in our analytical framework.

The docket for this NODA provides more details on all aspects of our analysis of barley ethanol. EPA invites comment on all aspects of its modeling of barley ethanol. We also invite comment on the consideration of uncertainty as it relates to making GHG threshold determinations.

Dated: July 8, 2013.

Christopher Grundler,

Director, Office of Transportation & Air Quality.

[FR Doc. 2013–16928 Filed 7–22–13; 8:45 am]

BILLING CODE 6560–50–P

[34] See Memo to the Docket, EPA–HQ–OAR–2013–0178–0012.

[35] The Monte Carlo analysis is described in EPA (2010a), Section 2.4.4.2.8.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 770

[EPA–HQ–OPPT–2012–0018; FRL–9394–1]

RIN 2070–AJ92

Formaldehyde Emissions Standards for Composite Wood Products; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA issued a proposed rule in the **Federal Register** of June 10, 2013, concerning formaldehyde emissions standards for composite wood products. This document extends the comment period from August 9, 2013, to September 9, 2013. After receiving requests for an extension, EPA believes it is appropriate to extend the comment period in order to give stakeholders additional time to assess the impacts of the proposal, review technical documents in the docket, and prepare comments.

DATES: The EPA is extending the comment date on a proposed rule published June 10, 2013 at 78 FR 34820. Comments, identified by docket identification (ID) number EPA–HQ–OPPT–2012–0018, must be received on or before September 9, 2013.

ADDRESSES: Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** document of June 10, 2013.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Cindy Wheeler, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 566–0484; email address: *wheeler.cindy@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION: This document extends the public comment period established in the **Federal Register** of June 10, 2013 (78 FR 34820) (FRL–9342–3). EPA is hereby extending the comment period, which was set to end on August 9, 2013, to September 9, 2013.

To submit comments, or access the docket, please follow the detailed instructions as provided under **ADDRESSES** in the June 10, 2013, **Federal Register** document. If you have questions, consult the technical contact person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 40 CFR Part 770

Environmental protection, Formaldehyde, Reporting and recordkeeping requirements, Toxic substances, Wood.

Dated: July 17, 2013.

James Jones,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2013–17673 Filed 7–22–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 770

[EPA–HQ–OPPT–2011–0380; FRL–9393–9]

RIN 2070–AJ44

Formaldehyde; Third-Party Certification Framework for the Formaldehyde Standards for Composite Wood Products; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA issued a proposed rule in the **Federal Register** of June 10, 2013, concerning a third-party certification framework for the formaldehyde standards for composite wood products. This document extends the comment period from August 9, 2013 to August 26, 2013. After receiving requests for an extension, EPA believes it is appropriate to extend the comment period in order to give stakeholders additional time to assess the impacts of the proposal, review technical documents in the docket, and prepare comments.

DATES: EPA is extending the comment date for a proposed rule published June 10, 2013 at 78 FR 34796. Comments, identified by docket identification (ID) number EPA–HQ–OPPT–2011–0380, must be received on or before August 26, 2013.

ADDRESSES: Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** document of June 10, 2013.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Erik Winchester, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–6450; email address: *winchester.erik@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION: This document extends the public comment period established in the **Federal Register** of June 10, 2013 (78 FR 34796) (FRL–9342–4). EPA is hereby extending the comment period, which was set to end on August 9, 2013, to August 26, 2013.

To submit comments, or access the docket, please follow the detailed instructions as provided under **ADDRESSES** in the June 10, 2013, **Federal Register** document. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 40 CFR Part 770

Environmental protection, Composite wood products, Formaldehyde, Reporting and recordkeeping, Third-party certification.

Dated: July 17, 2013.

James Jones,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2013–17671 Filed 7–22–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 11–182, RM–11701; DA 13–1577]

Television Broadcasting Services; Cedar Rapids, Iowa

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by KGAN Licensee, LLC (''KGAN Licensee''), the licensee of KGAN(TV), channel 51, Cedar Rapids, Iowa, requesting the substitution of channel 29 for channel 51 at Cedar Rapids. While the Commission instituted a freeze on the acceptance of full power television rulemaking petitions requesting channel substitutions in May 2011, it subsequently announced that it would lift the freeze to accept such petitions for rulemaking seeking to relocate from channel 51 pursuant to a voluntary relocation agreement with Lower 700 MHz A Block licensees. KGAN Licensee has entered into such a voluntary relocation agreement with King Street Wireless, L.P., stating that operating on channel 29 would remove any potential interference with a wireless operation located directly adjacent to channel 51 in Cedar Rapids. KGAN Licensee believes the grant of this petition would serve the public interest.

DATES: Comments must be filed on or before August 22, 2013, and reply comments on or before September 6, 2013.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Clifford M. Harrington, Esq., Pillsbury Winthrop Shaw Pittman, 2300 N Street NW., Washington, DC 20037–1128

FOR FURTHER INFORMATION CONTACT: Joyce L. Bernstein, *joyce.bernstein@fcc.gov,* Media Bureau, (202) 418–1647.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 13–182, adopted July 15, 2013, and released July 16, 2013. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document will also be

available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via email *www.BCPIWEB.com.* To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an email to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts (other than *ex parte* presentations exempt under 47 CFR 1.1204(a)) are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1208 for rules governing restricted proceedings.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Television broadcasting.

Federal Communications Commission.

Hossein Hashemzadeh,

Deputy Chief, Video Division, Media Bureau.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336, and 339.

§ 73.622(i) [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Iowa is amended by removing channel 51 and adding channel 29 at Cedar Rapids.

[FR Doc. 2013–17708 Filed 7–22–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WC Docket No. 10–90; Report No. 2986]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: In this document, a Petition for Reconsideration (Petition) has been filed in the Commission's Rulemaking proceeding by Elizabeth Bowles, President, on behalf of the Wireless Internet Service Providers Association.

DATES: Oppositions to the Petition must be filed on or before August 7, 2013. Replies to an opposition must be filed on or before August 19, 2013.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Ryan Yates, Wireline Competition Bureau (202) 418–7400—voice or (202) 418–0484—TTY.

SUPPLEMENTARY INFORMATION: This is a summary of Commission's document, Report No. 2986, released July 12, 2013. The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). The Commission will not send a copy of this document pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this document does not have an impact on any rules of particular applicability.

Subject: Amendment of part 90 of the Commission's Rules, document FCC 13–52, published at 78 FR 28749, May 16, 2013, in WC Docket No. 10–90, and published pursuant to 47 CFR 1.429(e). *See also* § 1.4(b)(1) of the Commission's rules.

Number of Petitions Filed: 1.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–17593 Filed 7–22–13; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 78, No. 141

Tuesday, July 23, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 17, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 22, 2013 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street, NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Spring Viremia of Carp-Susceptible Finfish and their Gametes, and Diagnostic Specimens Importation Permits.

OMB Control Number: 0579–0301.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of the health of animals under the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) regulatory authority. APHIS has import restrictions at title 9, parts 92 through 98, of the CFR. Sections 93.900 through 93.906 contain the requirements to prevent the introduction spring viremia of carp disease (SVC) into the United States. SVC is disease of certain species of finfish that is caused by an eponymous rhabdovirus. The disease is considered extremely contagious, and there are currently no U.S. approved vaccines or treatments for the virus.

Need and Use of the Information: APHIS has developed import requirements for SVC-susceptible fish species. This necessitates the use of several information collection activities, including the completion of VS forms 17–129, Fish Import Permit Application, 17–29, Application for Import or In Transit Permit, 16–3, Diagnostic Specimen Import Permit Application, 17–136, Refusal of Entry and Order to Dispose of Fish; a health certificate and or cleaning and disinfection certificate; 72-hour notification of arrival, and recordkeeping requirements. Without the information, APHIS would be unable to effectively protect farmed fish populations that are known to be susceptible to SVC from imports of finfish or their gametes infected with SVC virus.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 77.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 1,017.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013–17557 Filed 7–22–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Request for Nominations of Members for the National Agricultural Research, Extension, Education, and Economics Advisory Board

AGENCY: Agricultural Research Service, USDA.

ACTION: Solicitation for membership.

SUMMARY: The notice announced the USDA's request for membership on the National Agricultural Research, Extension, Education, and Economics Advisory Board. The notice was published in the **Federal Register** on May 2, 2013.

FOR FURTHER INFORMATION CONTACT: David Kelly, 202–720–4421.

Correction

In the **Federal Register** of May 2, 2013 in FR Doc. 2013–10392, on pages 25691–25692 in the date section, correct to read as follows:

DATES: All nomination materials should be mailed in a single, complete package and postmarked by August 30, 2013.

Yvette Anderson,

Federal Register Liaison Officer for ARS, ERS, and NASS.

[FR Doc. 2013–17649 Filed 7–22–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities; Proposed Collection; Comment Request: Supplemental Nutrition Assistance Program: State Agency Options

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed collection. This is a revision

of the currently approved burden for the Supplemental Nutrition Assistance Program (SNAP): State Agency Options information collection.

DATES: Written comments must be received on or before September 23, 2013.

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

Comments may be sent to Angela Kline, Chief, Certification Policy Branch, Program Development Division, Food and Nutrition Service (FNS), U.S. Department of Agriculture, 3101 Park Center Drive, Room 812, Alexandria, VA 22302. Comments may also be faxed to the attention of Ms. Kline at (703) 305–2486, or via email to *Angela.Kline@FNS.USDA.GOV.*

Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the FNS office at 3101 Park Center Drive, Alexandria, Virginia, 22302, Room 800, during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday).

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Ms. Kline at (703) 305–2495.

SUPPLEMENTARY INFORMATION:

Title: Supplemental Nutrition Assistance Program: State Agency Options

OMB Number: 0584–0496

Form Number: None

Expiration Date: 11/30/2013

Type of Request: Revision of a currently approved information collection.

Abstract: The collections covered under OMB Number 0584–0496, address information and burden estimates associated with the following State Agency Options: Establishing and reviewing standard utility allowances and establishing methodology for offsetting cost of producing self-employment income.

This notice revises the State Agency Options information collection for the Supplemental Nutrition Assistance Program (SNAP) to reflect changes in the number of States that have implemented the options herein and the change in burden since the previous revision. Federal regulations implementing SNAP application and certification procedures are contained in Parts 271, 272 and 273 of Title 7 of the Code of Federal Regulations (CFR). The regulations addressing State agency options specified in this collection are contained in 7 CFR part 273.

The last two revisions of this collection extended the collection burden to account for changes required by the Farm Security and Rural Investment Act of 2002 (FSRIA) proposed and final rules. The Food, Conservation and Energy Act of 2008 (FCEA) made no changes to this collection. However, since the last renewal, there have been changes in the number of states that take the options in this collection. This collection revises the number of State agencies that have implemented the options herein as well as the burden associated with the collection.

Establishing and Reviewing Standard Utility Allowances

The regulations at 7 CFR 273.9(d)(6)(iii) allow State agencies to establish standard utility allowances (SUA) in place of the actual utility costs incurred by a household. State agencies are required to review and adjust SUAs annually to reflect changes in the costs of utilities. State agencies are required to submit the amounts of standards when they are changed and methodologies used to develop and update the standards to FNS for approval when they are developed or changed.

Estimates of burden: Currently, 50 State agencies have a standard that includes heating or cooling costs and 40 have a standard for utility costs other than heating or cooling. In addition, 52 State agencies have a telephone allowance standard. We estimate 52 State agencies will submit one request to adjust the SUAs, for a total annual response of 52 requests at a minimum of 2.5 hours annually (52 State agencies × 1 SUAs request = 52 total annual responses × 2.5 hours = 130 hours). Total burden for this provision is estimated to be 130 hours per year. This burden activity remains unchanged from the previous submission.

Self-employment Costs

The regulations at 7 CFR 273.11(b) allow self-employment income to be reduced by the cost of producing such income. The regulations allow the State agencies, with approval from FNS, to establish the methodology for offsetting the costs of producing self-employment income, as long as the procedure does not increase program costs.

Estimates of burden: Based on the information provided in the Tenth Edition of the SNAP State Options Report, 18 State agencies have incorporated a methodology for determining the cost of doing business in self-employment cases. This is an increase from ten states in the 2010 information collection. It is estimated that these 18 States will submit one request, totaling 18 annual responses. States will incur a burden of at least 10 working hours gathering and analyzing data, developing the methodology, determining the cost implication and submitting a request to FNS, for a total burden of 180 hours annually (18 State agencies × 1 request = 18 total annual responses × 10 working hours = 180 burden hours). This is an increase of 80 burden hours from the previous submission.

Record Keeping Burden Only

All 53 State agencies are required to keep and maintain one record of the information gathered and submitted to FNS for the SUA and self-employment options. It is estimated that this process will take 7 minutes or .1169 hours per year for each State agency, resulting in a total annual burden of 6 hours (53 State agencies × 1 record = 53 total annual records × .1169 hours = 6 hours). This burden remains unchanged from the previous submission.

The following table illustrates the burden estimates associated with the State agency options included in this collection.

BILLING CODE 3410–30–P

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: STATE AGENCY OPTIONS, OMB NO. 0584-0496									
Regulatory Section	Burden Activities	Estimated Number of Respondents	Annual Reports/ Records filed	Total Annual Responses	Number of Burden Hours per Response	Estimated Total Burden Hours	*Previous Submission: Burden Hours*	Difference Due to Program Changes	Explanation of Differences
Affected Public: State and Local Agencies									
STATE AGENCY REPORTING BURDEN									
273.9(d)(6)(iii)	Establishing and Reviewing Standard Utility Allowances	52	1.00	52.00	2.50	130.00	130.00	0.00	
273.11(b)	Self-employment Costs	18	1.00	18.00	10.00	180.00	100.00	80.00	8 additional State agencies incorporated the Self-employment Costs option since the last revision of this collection.
Affected Public: State and Local Agencies									
STATE AGENCY RECORDKEEPING BURDEN									
272.1(f)	Keep record of information submitted to FNS	53	1.00	53.00	0.1169	6.00	6.00	0.00	
		Estimated Number of Respondents	Annual Reports/ Records filed	Total Annual Responses	Number of Burden Hours per Response	Estimated Total Burden Hours	*Previous Submission: Burden Hours*	Difference Due to Program Changes	
BURDEN SUMMARY		53	2.32	123.00	2.57	316.00	236.00	80.00	

Estimated Annual Burden Summary for Reporting and Recordkeeping:

Affected Public: State agencies and local governments administering SNAP.

Estimated Number of Respondents: 53

Estimated Annual Reports/Records Filed Per Respondent: 2.32

Estimated Total Annual Responses: 123

Estimated Burden Hours per Response: 2.57

Estimated Total Burden Hours: 316

Dated: July 11, 2013.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2013–17558 Filed 7–22–13; 8:45 am]

BILLING CODE 3410–30–C

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1908]

Reorganization of Foreign-Trade Zone 124 (Expansion of Service Area) Under Alternative Site Framework; Gramercy, Louisiana

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 Port of South Louisiana, grantee of Foreign-Trade Zone 124, submitted an application to the Board (FTZ Docket B–16–2013, docketed 02/21/2013) for authority to expand the service area of the zone to include Tangipahoa Parish, Louisiana, as described in the application, adjacent to the Gramercy Customs and Border Protection port of entry;

Whereas, notice inviting public comment was given in the **Federal Register** (78 FR 13320–13321, 02/27/2013) 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 124 to expand the service area 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 16 day of July 2013.

Paul Piquado,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest: _____

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–17690 Filed 7–22–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No 130426414–3603–02]

Request for Information on Pilots To Inform the Creation of Potential New Manufacturing Technology Acceleration Centers (M–TACs); Extension of Comment Period

AGENCY: National Institute of Standards and Technology (NIST), United States Department of Commerce.

ACTION: Notice; extension of comment deadline.

SUMMARY: NIST is extending the deadline for submitting comments regarding NIST's planning for a Federal Funding Opportunity (FFO) for new manufacturing technology acceleration centers (M–TACs). NIST anticipates issuing the FFO in fiscal year 2014 (FY14), subject to the availability of appropriated funding. The new comment deadline is Monday, August 5, 2013. NIST will accept comments submitted only via email during the extended time period.

DATES: Comments must be received no later than 11:59 p.m. Eastern Time on Monday, August 5, 2013.

ADDRESSES: Electronic comments may be sent to *diane.henderson@nist.gov* with the subject line ''M–TAC RFI Comments.''

FOR FURTHER INFORMATION CONTACT: Diane Henderson, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, MD 20899–4800, 301–975–5105, *diane.henderson@nist.gov*; or David Stieren, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, MD 20899–4800, 301–975–3197, *david.stieren@nist.gov.* Please direct media inquiries to NIST's Office of Public Affairs at (301)–975–NIST.

SUPPLEMENTARY INFORMATION: On June 21, 2013, NIST solicited public comments on NIST's planning for a FFO in FY 2014 to competitively fund a select number of new M–TACs (78 FR 37422). NIST anticipates issuing the FFO in FY14, subject to the availability of appropriated funds. NIST originally set a comment due date of July 22, 2013. However, in order to provide all interested parties the opportunity to submit comments, NIST is extending the solicitation period until Monday, August 5, 2013. Proposals received between July 22, 2013 and the publication date of this notice of extension shall be deemed timely and will be given full consideration. Persons who submitted comments between July 22, 2013 and the date of publication of this notice need not resubmit their comments. During the extended solicitation period, NIST will accept only comments submitted via email.

Dated: July 11, 2013.

Phillip Singerman,

Associate Director for Innovation & Industry Services.

[FR Doc. 2013–17685 Filed 7–22–13; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC759

Atlantic Highly Migratory Species; Meeting of the Atlantic Highly Migratory Species Advisory Panel

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: NMFS will hold a 4-day Atlantic Highly Migratory Species (HMS) Advisory Panel (AP) meeting in September 2013. The intent of the meeting is to consider options for the conservation and management of Atlantic HMS. The meeting is open to the public.

DATES: The AP meeting will be held September 9 through September 12, 2013.

ADDRESSES: The meeting will be held at the Sheraton Hotel, 8777 Georgia Avenue, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Jenni Wallace or Margo Schulze-Haugen at (301) 427–8503.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.,* as amended by the Sustainable Fisheries Act, Public Law 104–297, provided for the establishment of an AP to assist in the collection and evaluation of information relevant to the development of any Fishery Management Plan (FMP) or FMP amendment for Atlantic HMS. NMFS consults with and considers the comments and views of AP members when preparing and implementing FMPs or FMP amendments for Atlantic tunas, swordfish, billfish, and sharks.

The AP has previously consulted with NMFS on: Amendment 1 to the Billfish FMP (April 1999); the HMS FMP (April 1999); Amendment 1 to the HMS FMP (December 2003); the Consolidated HMS FMP (October 2006); Amendments 1, 2, 3, 4, 5a, 5b, 6, 7, and 8 to the Consolidated HMS FMP (April and October 2008, February and September 2009, May and September 2010, April and September 2011, March and September 2012, and January 2013); among other things.

At the September 2013 AP meeting, NMFS plans to discuss bluefin tuna management issues in draft Amendment 7 to the 2006 HMS FMP; shark management measures regarding rebuilding scalloped hammerhead and blacknose sharks (Amendment 5a), rebuilding dusky sharks (Amendment 5b), and shark catch shares (Amendment 6); and swordfish management measures (Amendment 8). The meeting will also include updates on implementation of the 2012 ICCAT recommendations; electronic dealer reporting; smoothhound shark management; and recreational monitoring methods for Atlantic HMS fisheries.

The AP meeting will be held from 9 a.m. to 5:30 p.m. on Monday, September 9; from 8:30 a.m. to 5:30 p.m. on Tuesday, September 10; from 8:30 a.m. to 4:30 p.m. on Wednesday, September 11; and from 8:30 a.m. to 12:00 p.m. on Thursday, September 12, 2013. Additional information on the meeting and a copy of the draft agenda will be posted prior to the meeting at: *http://www.nmfs.noaa.gov/sfa/hms/*

Advisory%20Panels/Advisory_Panel.htm.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jenni Wallace at (301) 427–8503 at least 7 days prior to the meeting.

Dated: July 18, 2013.

Kelly Denit,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–17692 Filed 7–22–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC372

Endangered Species; File No. 17381

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Kristen Hart, Ph.D., United States Geological Survey, Southeast Ecological Science Center, 3205 College Avenue, Davie, FL 33314 has been issued a permit to take listed sea turtles for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and

Southeast Region, NMFS, 263 13th Ave South, St. Petersburg, FL 33701; phone (727) 824–5312; fax (727) 824–5309.

FOR FURTHER INFORMATION CONTACT: Colette Cairns or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On December 5, 2012, notice was published in the **Federal Register** (77 FR 72326) that a request for a scientific research permit to take green (*Chelonia mydas*), loggerhead (*Caretta caretta*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles had been submitted by the above-named individual. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The above-named individual has been granted a 5-year permit to continue long-term research on the demographics and movements of green, loggerhead, hawksbill, and Kemp's ridley sea turtles in Florida waters. Researchers may capture sea turtles by rodeo capture, cast net, tangle net, dip net or hand capture. Turtles may be weighed, measured, flipper tagged, passive integrated transponder tagged, blood sampled, tissue sampled, scute sampled, epibiota sampled, fecal sampled, undergo gastric lavage, temporarily carapace marked, photographed, and released. A subset of turtles may be fitted with some combination of up to three telemetry tags—e.g., satellite tag, acoustic transmitter, and/or accelerometer, —and tracked; upon recapture, these animals would have the tags removed.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 17, 2013.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–17555 Filed 7–22–13; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C.. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, CNCS is soliciting comments concerning its proposed renewal of the Segal AmeriCorps Education Award Matching Program Commitment Form. This form is submitted by institutions of higher education that provide educational benefits for AmeriCorps alumni. These benefits can include matching the AmeriCorps Education Award that members receive after successful completion of the AmeriCorps program, scholarships, and application fee waivers. Completion of this information collection is required for institutions to enroll in the Segal AmeriCorps Education Award Matching Program and appear on the Segal AmeriCorps Education Award Matching Program section of the Corporation for National and Community Service Web site.

Copies of the information collection request can be obtained by contacting the office listed in the Addresses section of this Notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by September 23, 2013.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Segal AmeriCorps Education Award Matching Program; Attention: Elizabeth Matthews, AmeriCorps VISTA Outreach Specialist, Room 9110B; 1201 New York Avenue NW., Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) By fax to: (202) 606–3475, Attention: Elizabeth Matthews, AmeriCorps VISTA Outreach Specialist.

(4) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Elizabeth Matthews, (202) 606–6774, or by email at *ematthews@cns.gov.*

SUPPLEMENTARY INFORMATION:

CNCS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of CNCS, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background

The information is provided by institutions of higher education who are requesting to be listed on the Segal AmeriCorps Education Award Matching Program section of the Corporation for National and Community Service Web site. The information will be collected electronically by the Corporation for National and Community Service.

Current Action

CNCS seeks to renew the current information collection. The information collected will be used to determine if institutions of higher education are eligible to be listed on the Segal AmeriCorps Education Award Matching Program section of the Corporation for National and Community Service Web site.

The information collection will otherwise be used in the same manner as the existing application.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Segal AmeriCorps Education Award Matching Program Commitment Form.

OMB Number: 3045–0143.

Agency Number: None.

Affected Public: Institutions of higher education that provide incentives for AmeriCorps alumni such as matching the AmeriCorps Education Award that members receive after successful completion of the AmeriCorps Program and that request to be listed on the Segal AmeriCorps Education Award Matching Program section of the Corporation for National and Community Service Web site.

Total Respondents: Estimated 200 colleges and universities.

Frequency: Once every five years.

Average Time per Response: Average 30 minutes.

Estimated Total Burden Hours: 100 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: July 18, 2013.

Erin Dahlin,

Deputy Director of Program Coordination.

[FR Doc. 2013–17686 Filed 7–22–13; 8:45 am]

BILLING CODE 6050–28–P

COURT SERVICES AND OFFENDER SUPERVISION AGENCY

Agency Information Collection Activities: Proposed Collection; Submission to OMB for Review and Approval for Collection of Qualitative Feedback on Agency Service Delivery; Public Comment Request

AGENCY: Pretrial Services Agency for the District of Columbia (PSA), CSOSA.

ACTION: 30 Day Notice and request for comments.

SUMMARY: This notice announces the intention of the Pretrial Services Agency for the District of Columbia to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Pretrial Services Agency for the District of Columbia 2013 Judicial Survey.'' In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), this notice announces PSA's intent to submit this collection to OMB for approval. PSA invites the public to comment on this proposed information collection.

Notice and request for public comment on this collection was published in the **Federal Register** on April 23, 2013 at 78 FR 23918. The Agency did not receive any comments in response to the 60-day notice published in the **Federal Register**.

DATES: Consideration will be given to all comments received by August 22, 2013.

ADDRESSES: You may submit written comments to, the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: CSOSA Desk Officer and to: *oira_submission@omb.eop.gov*. A copy of any comments should be sent to: Rorey Smith, Deputy General Counsel and Chief Privacy Officer, Office of General Counsel, Court Services and Offender Supervision Agency, 633 Indiana Avenue NW, Room 1390, Washington, DC 20004 or to *Rorey.Smith@csosa.gov*. All comments should reference the title of the collection, ''Collection of Qualitative Feedback on Agency Service Delivery.'' Comments submitted in response to this notice may be made available to the public. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and may be made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the 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 collection of information including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

FOR FURTHER INFORMATION CONTACT: Rorey Smith, Deputy General Counsel and Chief Privacy Officer, Office of General Counsel, Court Services and Offender Supervision Agency, 633 Indiana Avenue NW, Room 1380, Washington, DC 20004, (202) 220–5797 or to *Rorey.Smith@csosa.gov.*

For content support: Diane Bradley, Assistant General Counsel, Office of General Counsel, Court Services and Offender Supervision Agency, 633 Indiana Avenue NW, Room 1375, Washington, DC 20004, (202) 220–5364 or to *Diane.Bradley@csosa.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Pretrial Services Agency for the District of Columbia 2013 Judicial Survey.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. 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. These collections 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 proposed survey will assess judicial satisfaction with PSA's responsiveness, staff professionalism, the quality and benefit of PSA reports, PSA's supervision of higher risk defendants (including those with mental health and substance dependence issues), and the provision of treatment services. The judicial survey will represent the only qualitative or quantitative measure of this important metric. PSA will use the collected information to support several organizational improvements including: enhancements to PSA's supervision of medium to higher-risk pretrial defendants; improve communications with the court regarding defendant compliance and noncompliance with supervision requirements; provide better performance ratings of Senior Executive Services (SES) staff; and creation of a qualitative performance measure to gauge overall judicial satisfaction under PSA's ''partnerships'' strategic objective. This type of collection for qualitative information will be used for quantitative information collections that are designed to yield reliable actionable results, such as monitoring trends over time or documenting program performance.

As a general matter, information collections 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.

This evaluation study addresses PSA's need for a report to inform strategic planning for dissemination and program activities to targeted 60 DC Superior Court and District Court judicial officers as survey participants—the universe of judicial officers hearing criminal matters in both courts and those with bail setting duties.

The survey is intended to assess judicial officers' perceptions and attitudes through a structured survey to measure judicial perceptions and attitudes about specific elements of Agency performance. Given the qualitative nature of these data, PSA will use a customer satisfaction rank order response of customer satisfaction questionnaire format for its survey. These customer satisfaction questionnaires are a proven method to solicit and record critical input from primary customers and partner agencies for PSA to address customer-related issues more competently and resolve issues more quickly.

The outcome will best provide a detailed analysis of customer feedback and may also provide ''customer intelligence'' that can be used as a roadmap to spur innovation efforts, research and development and new programs and initiatives. The outcome will also include a recommendation for strategic planning for future efforts which will engage and develop information and programming for DC judicial official audience. Survey results will not be published independently, but will be part of PSA's Performance Budget submitted to the United States Congress every February and used as a metric for performance appraisals for SES staff, submitted in September of each year.

Method of Collection

This survey will be conducted by PSA through its Office of Strategic Development. To achieve the goals that PSA hopes to obtain through its judicial survey, the following data collections will be implemented:

(1) On-line instrument: All responses to the survey will be solicited, collected and recorded via a web-based survey instrument. This method will increase participants' ease in completing the survey and returning results to PSA. Automatically-logged results also ensure greater quality control of entered data and easier recording and analysis of results.

(2) Rank-ordered responses: Most survey questions ask respondents to rank-order responses on a standard five-item Likert-scale, for example, ''Very Dissatisfied'' to ''Very Satisfied.'' The remaining questions are value neutral and open ended and allow respondents to give opinions on how PSA can improve specific functions.

(3) Limited question set: The survey consists of 15 questions, making it relatively easy to understand, navigate and complete.

(4) Anonymity: Survey results are anonymous, although respondents have the choice to identify themselves.

Since the survey targets all judicial officers that have direct exposure and knowledge of PSA services and supervision, there are no anticipated issues with sample selection, stratification or estimation procedures.

Described below is an overview of the information collection, the projected average annual estimates of the total number of respondents and responses, and the amount of time estimates:

Current Actions: New collection of information.

Type of Review: New collection.

Affected Public: DC Superior Court and District Court Judges.

Average expected annual number of collection activities: 2.

Respondents: 60.

Number of responses per respondent: 15.

Annual responses: 900.

Frequency of Response: Once per request.

Average minutes per response: 10–15.

Total burden hours associated with this collection: 15.

The Agency's estimated annualized cost burden associated with the respondents' time to participate in this research is $1,200. The total and annualized cost to the federal government for the questionnaire development, administration, analysis, and study management for conducting this research is $150.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current and valid Office of Management and Budget control number.

Dated: July 18, 2013.

Rorey Smith,

Deputy General Counsel, for the Court Services and Offender Supervision Agency.

[FR Doc. 2013–17643 Filed 7–22–13; 8:45 am]

BILLING CODE 3129–04–P

COURT SERVICES AND OFFENDER SUPERVISION AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Court Services and Offender Supervision Agency, CSOSA.

ACTION: 30-Day Notice and request for comments.

SUMMARY: As part of a federal government-wide effort to streamline the process to seek feedback from the public on service delivery, CSOSA is seeking comment on the development of the following proposed Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). This notice announces our intent to submit this collection to OMB for approval and solicit comments on specific aspects for the proposed information collection. The Agency did not receive any comments in response to the 60-Day notice published in the **Federal Register** on April 22, 2013, 77 FR 23755.

DATES: Consideration will be given to all comments received by August 22, 2013.

ADDRESSES: You may submit written comments to, the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: CSOSA Desk Officer and to: *oira_submission@omb.eop.gov.* A copy of any comments should be sent to: Rorey Smith, Deputy General Counsel and Chief Privacy Officer, Office of General Counsel, Court Services and Offender Supervision Agency, 633 Indiana Avenue NW., Room 1390, Washington, DC 20004 or to *Rorey.Smith@csosa.gov.* All comments should reference the title of the collection, ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.''

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the 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 collection of information including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Comments submitted in response to this notice may be made available to the public. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and may be made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

For Further Information on the Collection Contact: Rorey Smith, Deputy General Counsel and Chief Privacy Officer, Office of General Counsel, Court Services and Offender Supervision Agency, 633 Indiana Avenue NW., Room 1380, Washington, DC 20004, (202) 220–5797 or to *Rorey.Smith@csosa.gov.*

For content support: Diane Bradley, Assistant General Counsel, Office of General Counsel, Court Services and Offender Supervision Agency, 633 Indiana Avenue NW., Room 1375, Washington, DC 20004, (202) 220–5364 or to *Diane.Bradley@csosa.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are 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. These collections 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.

Feedback collected under this generic clearance will provide useful information, but it will 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 non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the 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.

Described below is an overview of the information collection, the projected average estimates for the next three years of the total number of respondents and responses, and the amount of time estimates:

Current Actions: New collection of information.

Type of Review: New Collection.

Affected Public: Individuals currently or recently under court-ordered supervision by CSOSA, CSOSA stakeholders including members of the community (e.g., DC residents who attend CSOSA community justice

advisory network meetings) and criminal justice systems (e.g., judges, parole commissioners, etc.).

Estimated Number of Respondents: 1340.

Average Expected Annual Number of activities: 3.

Average number of Respondents per Activity: 447.

Annual responses: 1340.

Frequency of Response: Once per request.

Average minutes per response: 7.

Burden hours: 145.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current and valid Office of Management and Budget control number.

Dated: July 18, 2013.

Rorey Smith,

Deputy General Counsel, Court Services and Offender Supervision Agency.

[FR Doc. 2013–17650 Filed 7–22–13; 8:45 am]

BILLING CODE 3129–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0080]

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by August 22, 2013.

Title, Associated Form and OMB Number: Voice of Industry Survey; OMB Control Number 0704–0472.

Type of Request: Reinstatement.

Number of Respondents: 12,238.

Responses per Respondent: 1.

Annual Responses: 12,238.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 6,119 hours.

Needs and Uses: Executive Order 12829, ''National Industrial Security Program (NISP)'' Section 202(a) stipulates that the Secretary of Defense shall serve as the Executive Agent for inspecting and monitoring the contractors, licensees, and grantees who require or will require access to or who store or will store classified information; and for determining the eligibility for access to classified information of contractors, licensees, and grantees and their respective employees. The Executive Agent has the authority to issue, after consultation with affected agencies, standard forms or other standardization that will promote the implementation of the NISP. Department of Defense Directive 5105.42, ''Defense Security Service,'' dated August 3, 2010, delineates the mission, functions, and responsibilities of DSS. DSS functions and responsibilities include the administration and implementation of the Defense portion of the NISP. This survey will provide feedback on how DSS is performing with respect to the administration and implementation of the NISP. Participation in the survey is strictly voluntary.

Affected Public: Contractors, licensees, and grantees in the NISP under DSS cognizance.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: July 12, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–17661 Filed 7–22–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0140]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to add a new System of Records.

SUMMARY: The Office of the Secretary of Defense proposes to add a new system of records, DWHS P50, iCompass, Learning Management System (LMS), to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This system will manage and administer a Learning Management System (LMS) for training and development programs; for the purpose of reporting, tracking, assessing and monitoring training events, and DoD Financial Management certifications.

DATES: This proposed action will be effective on August 23, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 22, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571)372–0461.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION**

CONTACT or the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/privacy/SORNs/component/osd/index.html.* The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on June 11, 2013, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: July 17, 2013.

Aaron Siegel

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DWHS P50

SYSTEM NAME:

iCompass, Learning Management System (LMS).

SYSTEM LOCATION:

Verizon Business—IAD6, 21830 UUNET Way, Ashburn, VA 20147–5856.

Backup: Internap's, Digital Realty Trust, 2121 South Price Road, Chandler, AZ 85286–7205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians, military members, and contractors assigned to the following Office of the Secretary of Defense (OSD) offices: Acquisition Technology and Logistics; U.S. Court of Appeals for Armed Forces; DoD Comptroller Office; Office of the Director Administration and Management; Deputy Chief Management Officer; Office of Military Commissions; Defense Legal Services Agency/Defense Office of Hearings and Appeals; Defense Security Cooperation Agency; Defense Test Resource Management Center; Defense Technology Security Administration; Intelligence Oversight; Joint Chiefs of Staff and the Joint Staff; Office of the Assistant Secretary of Defense (OASD) Legislative Affairs; Net Assessment; Network & Information Integration; Office of Economic Adjustment; DoD Office of General Counsel; OSD Operation Test & Evaluation; Office of the Under Secretary of Defense (OUSD) Intelligence; Cost Assessment and Program Evaluation; Pentagon Force Protection Agency; OUSD Policy; Defense Prisoner of War/Missing Personnel Office; Personnel and Readiness; Assistant to the Secretary of Defense for Public Affairs; White House Military Office; Washington Headquarters Services (WHS); WHS Federal Voting Assistance Program; WHS Welfare & Recreation Association; and Military and DoD civilian financial managers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, DoD identification (DoD ID) number, position title, work phone number, pay plan, series, grade, organization, supervisor, hire date, course name and course date and time of completed trainings, educational level of civilian employees, and Financial Management (FM) certification level.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 41, Government Employees Training Act; 5 CFR part 410, Office of Personnel Management—Training; DoDD 5105.53, Director of Administration and Management (DA&M); DoDD 5110.4, Washington Headquarters Services (WHS); and DTM 13–004, Operation of the DoD Financial Management Certification Program.

PURPOSE(S):

To manage and administer a Learning Management System (LMS) for training and development programs; to identify individual training needs; for the purpose of reporting, tracking, assessing and monitoring training events, and DoD FM certifications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552(b)(3) as follows:

The DoD Blanket Routine Uses set forth at the beginning of the OSD compilation of systems of records notices may apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Name and DoD ID number.

SAFEGUARDS:

Records are maintained in DoD and in commercially controlled facilities. Physical entry is restricted by the use of locks, security guards, card swipe, and identification badges and is accessible only to authorized personnel. Access to records is limited to personnel responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to data is restricted through the use of a Common Access Card, pin and login access to system. System is password protected and includes data encryption on and offsite. Records are stored in an encrypted database and access requires token authentication. Periodic security audits, regular monitoring of user's security practices, and methods to ensure only authorized personnel access records are applied.

RETENTION AND DISPOSAL:

Records are destroyed/deleted 5 years after the separation/retirement or after 2 years of inactivity period of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Program Manager, Washington Headquarters Services, Human Resource Directorate (HRD)/Learning and Development Division (L&DD), 4800 Mark Center Drive, Alexandria, VA 22350–3200.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Washington Headquarters Services, Human Resource Directorate/Transparency and Tools Division, Attn: LMS Program Manager, 4800 Mark Center Drive, Alexandria, VA 22305–3200.

Requests should contain individual's full name, office name where they were assigned or affiliated, and office address and telephone number applicable to the period during which the records were maintained.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act, Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written requests should contain individual's full name, office name where they were assigned or affiliated, and office address and telephone number applicable to the period during which the records were maintained.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative

Instruction 82; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual; Defense Civilian Personnel Data System (DCPDS); Military Personnel (MILPERS) and the Active Directory (for contractors).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2013–17581 Filed 7–22–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for F35A Training Basing Final Environmental Impact Statement

ACTION: Notice of Availability (NOA).

SUMMARY: On June 26, 2013, the United States Air Force signed a second ROD for the F–35A Training Basing Final Environmental Impact Statement (FEIS). The ROD states the Air Force decision to beddown an additional 72 F–35A Primary aircraft authorized (PAA) training aircraft at Luke Air Force Base, Arizona. This beddown of 72 F–35A will bring the total number of F–35A training aircraft to 144 PAA during calander year 2023.

The decision was based on matters discussed in the FEIS, inputs from the public and regulatory agencies, and other relevant factors. The FEIS was made available to the public on June 15, 2012 through a NOA in the **Federal Register** (Volume 77, Number 116, Page 35961) with a wait period that ended on July 15, 2012. The ROD documents only the decision of the Air Force with respect to the proposed Air Force actions analyzed in the FEIS.

Authority: This NOA is published pursuant to the regulations (40 CFR Part 1506.6) implementing the provisions of the NEPA of 1969 (42 U.S.C. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (EIAP) (32 CFR Parts 989.21(b) and 989.24(b)(7))

FOR FURTHER INFORMATION CONTACT: Ms. Kim Fornof, 266 F Street West, Building 901, Randolph AFB, 78150–4319, (210) 652–1961, *kimberly.fornof@us.af.mil.*

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. 2013–17615 Filed 7–22–13; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2013–0027]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to delete four Systems of Records.

SUMMARY: The Department of the Army is deleting four systems of records notices in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on August 23, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 22, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905 or by calling (703) 428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in the **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/privacy/SORNs/component/army/index.html.*

The Department of the Army proposes to delete four systems of records notices from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 18, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletions:

AAFES 0702.43

Travel Advance Files (August 9, 1996, 61 FR 41588).

AAFES 0408.17

HPP Employee Upward Mobility Program Files (August 9, 1996, 61 FR 41578).

AAFES 0702.22

Check-Cashing Privilege Files (August 9, 1996, 61 FR 41585).

AAFES 0702.23

Dishonored Check Files (August 20, 1997, 62 FR 44261).

REASON:

The programs using these systems of records notices have been deactivated and met their approved NARA retention schedules; therefore, the systems of records notices can be deleted.

[FR Doc. 2013–17666 Filed 7–22–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2013–0008]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Navy proposes to alter a system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on August 23, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 22, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive,

East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Patterson, Head, PA/FOIA Office (DNS–36), Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350–2000, or by phone at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**. The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on March 18, 2013, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: July 18, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NM07251–1

SYSTEM NAME:

Department of the Navy Mass Transportation Benefit Program (March 7, 2012, 77 FR 13574)

CHANGES:

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Name, date of birth, Social Security Number (SSN), DoD ID Number, point-to-point commuting expenses, commuting distance, type of mass transit used, home address, organizational affiliation of the individual, service, reserve component code, funding appropriation for benefit, office work number, email address, duty/work address, transit authority card number, and usage from benefit provider.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 113, Secretary of Defense; 5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 7905, Programs to encourage commuting by means other than single-occupancy motor vehicles; DoD Instruction 1000.27, Mass Transportation Benefit Program (MTBP); E.O. 12191, Federal facility ridesharing program; E.O. 13150, Federal Workforce Transportation; and E.O. 9397 (SSN), as amended.''

* * * * *

[FR Doc. 2013–17668 Filed 7–22–13; 8:45 a.m.]

BILLING CODE 5001&–06&–P

DEPARTMENT OF ENERGY

Announcement of Public Meetings To Receive Comments on Draft Solicitation for Advanced Fossil Energy Projects

AGENCY: U.S. Department of Energy.

ACTION: Notice of public meetings to receive comments on draft solicitation.

SUMMARY: The Loan Programs Office (LPO) of the Department of Energy (DOE) announces that it will hold a series of public meetings to receive comments on the draft of a potential future solicitation announcement for Federal Loan Guarantees for Advanced Fossil Energy Projects.

DATES: The public meetings will be held on the following dates and times in Room 6E–069 at DOE's Forrestal Building, 1000 Independence Ave. SW., Washington, DC:

Date	Time
July 31, 2013	1:30 p.m.–3:30 p.m.
August 14, 2013 ...	10:00 a.m.–12:00 p.m.
August 27, 2013 ...	10:00 a.m.–12:00 p.m.

ADDRESSES: The draft solicitation is available on LPO's Web site at *http://www.lgprogram.energy.gov/.*

United States citizens that want to comment on the draft of a potential future solicitation announcement for Federal Loan Guarantees for Advanced Fossil Energy Projects are invited to attend any of the meetings listed in **DATES**. To attend, send an email with the names, affiliation, and titles of the attendee(s) to: *DraftLPOFossilSoliciationComments@hq.doe.gov* by 5:00 p.m. ET at least two days prior to the relevant public meeting.

FOR FURTHER INFORMATION CONTACT: David G. Frantz, *DraftLPOFossilSoliciationComments@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE published a Request for Comments on Draft Solicitation in the **Federal Register** on July 9, 2013 (78 FR 41046). Persons desiring to submit comments may do so either in writing according to the directions in that publication or verbally by attending one of the meetings announced in this notice. It is not necessary to do both. All comments, whether submitted in writing or given at a meeting, will be considered. Neither method of commenting will cause comments to be given greater or lesser consideration. However, only United States citizens can attend any of the public meetings. Non-U.S. citizens should provide their comments to the draft solicitation in writing.

Persons attending any of the meetings should note:

(1) The purpose of the meetings is for DOE to receive comments on the draft solicitation. DOE intends to consider all comments (whether provided in writing or at a meeting) prior to issuing the final solicitation. Specific projects will not be addressed by DOE until applications are submitted pursuant to a final solicitation, if any.

(2) Persons other than representatives from DOE may be at any of the meetings.

(3) DOE will take notes of each meeting, including attendees' names, affiliations, and titles. DOE may publish those notes on the LPO Web site.

(4) Written materials provided to DOE at any of the meetings may be published on the LPO Web site.

(5) Arrive no later than thirty minutes prior to the scheduled meeting time in order to allow sufficient time for security screening.

DOE is considering a potential future solicitation announcement for Federal Loan Guarantees for Advanced Fossil Energy Projects. Should DOE choose to proceed which such a solicitation, applicants would be invited to apply for loan guarantees from DOE to finance projects and facilities located in the United States that employ innovative and advanced fossil energy technologies (''Advanced Fossil Energy Projects''). DOE may make up to Eight Billion Dollars ($8,000,000,000) in loan guarantee authority available under the proposed solicitation for Advanced Fossil Energy Projects. DOE is considering including in any potential future solicitation projects or facilities that (1) Avoid, reduce, or sequester air pollutants or anthropogenic emission of greenhouse gases, (2) employ New or Significantly Improved Technology as compared to Commercial Technology in service in the United States at the time the Term Sheet is issued (as each capitalized term is defined in the regulations implementing Title XVII,

which are set forth in Part 609 under Chapter II of Title 10 of the Code of Federal Regulations), and (3) use advanced fossil energy technology (within the meaning of that term in Section 1703(b)(2) of Title XVII) and are described in one or more of the following technology areas: (a) Advanced resource development, (b) carbon capture, (c) low-carbon power systems, or (d) efficiency improvements. DOE is assuming that the scope of any potential solicitation would be broad. All fossil fuels, including, without limitation, coal, natural gas, oil, shale gas, oil gas, coal bed methane, methane hydrates, and others, may be included in the potential future solicitation. DOE is considering including both electrical and non-electrical fossil energy use.

While comments are sought on all aspects of the draft solicitation, DOE is particularly interested in comments regarding the weighting percentage allocated to each category for evaluations (Programmatic, Technical, Policy, and Financial), and the categories themselves.

Statutory authority: Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

Issued in Washington, DC, on July 16, 2013.

David G. Frantz,

Deputy Executive Director, Loan Programs Office.

[FR Doc. 2013–17669 Filed 7–22–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Notice of Intent To Issue a Funding Opportunity Announcement; Technical Assistance

AGENCY: Federal Energy Management Program, Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of intent to issue a funding opportunity announcement.

SUMMARY: Notice is hereby given of the intent to issue Funding Opportunity Announcement (FOA) DE–FOA–0000898, tentatively entitled ''Assisting Federal Facilities with Energy Conservation Technologies'' (AFFECT), subject to available funding. The U.S. Department of Energy (DOE) Federal Energy Management Program (FEMP) is anticipating the availability of grant funding to assist Federal agencies in implementing combined heat and power (CHP) and renewable energy measures in Federal facilities. This notice also is to inform Federal agencies of the availability of technical assistance in advance of the FOA with the planning of CHP and renewable measures.

ADDRESSES: Interested agencies can check the DOE Office of Energy Efficiency and Renewable Energy Funding Opportunity Exchange (EERE Exchange) Web site, located at *https://eere-exchange.energy.gov* for the posting of the FOA. Upon release of a FOA, applications only will be accepted through the EERE Exchange Web site. Prospective applicants also may receive official notifications and information regarding the FOA on the EERE Exchange Web site.

FOR FURTHER INFORMATION CONTACT: For requests for technical assistance regarding CHP, please contact David Boomsma, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Federal Energy Management Program (EE–2L), 1000 Independence Avenue SW., Washington, DC 20585; 202–586–7086; *david.boomsma@ee.doe.gov.* For requests for technical assistance regarding renewable energy measures, please contact Boyan Kovacic, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Federal Energy Management Program (EE–2L), 1000 Independence Avenue SW., Washington, DC 20585; 202–586–4272; *boyan.kovacic@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: FEMP works with key individuals to accomplish energy change within organizations by bringing expertise from all levels of project and policy implementation to enable Federal agencies to meet energy-related goals and to provide energy leadership to the country. The Federal Government, as the nation's largest energy consumer, has a tremendous opportunity and clear responsibility to lead by example. FEMP is central to this responsibility, guiding agencies to use funding more effectively in meeting Federal and agency-specific energy management objectives.

Section 152(f) of the Energy Policy Act of 1992, Public Law 102–486, authorizes the Secretary of Energy to establish a Federal Energy Efficiency Fund with the stated purpose of providing grants to Federal agencies to assist them in meeting the energy management requirements of the National Energy Conservation Policy Act (42 U.S.C. 8256(b)). FEMP anticipates that the FOA will announce the availability of funding from the Federal Energy Efficiency Fund, which likely will be limited to proposed CHP and renewable energy projects that meet the energy management requirements of the National Energy Conservation Policy Act, as amended (42 U.S.C. 8253). FEMP further anticipates that applications would include, at a minimum, a preliminary analysis and anticipated implementation process for a technically and economically viable capital project or set of projects. Project goals should include the completion of CHP or renewable energy projects at Federal facilities.

In conjunction with AFFECT funds under the FOA, a Federal agency would be expected to demonstrate that it could significantly leverage FOA grant funds using appropriated funds or alternative project financing mechanisms such as energy savings performance contracts, utility energy service contracts, or power purchase agreements. A Federal agency also would need to demonstrate that the proposed project would lend itself to follow-on replication efforts at additional Federal facilities.

The purpose of this Notice of Intent is to encourage prospective applicants to begin formulating ideas, gathering data, and developing opportunities to leverage funds in anticipation of the issuance of the FOA.

Additionally, FEMP assists Federal agencies in planning and implementing energy efficiency and renewable energy projects. Assistance provided by FEMP includes assistance to Federal agencies interested in identifying and analyzing CHP and/or renewable energy opportunities and technologies in advance of the FOA. This technical assistance may include pre-screenings and/or screenings of potential technologies and sites, or possibly other forms of assistance. For more information on the assistance FEMP can provide, please contact the FEMP staff identified in the **FOR FURTHER INFORMATION CONTACT** section. Interested Federal agencies also can visit *http://www1.eere.energy.gov/femp/technologies/renewable_assistance.html* (although this Web site specifically covers renewable energy, similar services are available for CHP).

All Federal agencies are encouraged to take advantage of the technical assistance offered by FEMP. Participation in technical assistance offered by FEMP does not guarantee that an applicant for the AFFECT grant program would be selected, and not utilizing FEMP technical assistance would not preclude an applicant from applying or being selected for AFFECT grant funding. FEMP technical assistance related to the objectives of the AFFECT FOA will only be available to Federal agencies up until the release of the FOA, which is tentatively scheduled

for release in the first quarter of fiscal year (FY) 2014.

This Notice of Intent is issued solely to advise interested Federal agencies that DOE intends to issue a FOA and is for information and FOA planning purposes only; it does not constitute a formal solicitation for proposals or abstracts. No response to this Notice of Intent is expected, and any responses will be treated as informational only. In accordance with the Federal Acquisition Regulation (48 CFR 15.201(e)), responses to this Notice of Intent are not offers and cannot be accepted by the Government to form a binding contract. DOE will not provide reimbursement for costs incurred in responding to this Notice of Intent.

DOE reserves the right to change the requirements of any proposed FOA, issue a FOA as described herein, issue a FOA involving only a portion of the elements listed, or not issue a FOA at all. Any information contained in this Notice of Intent also may be subject to change.

Issued in Washington, DC, on July 17, 2013.

Timothy Unruh,

Director, Federal Energy Management Program.

[FR Doc. 2013–17672 Filed 7–22–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Efficiency and Renewable Energy

Biomass Research and Development Technical Advisory Committee

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

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: August 14, 2013, 8:30 a.m.–5:30 p.m. August 15, 2013, 8:30 a.m.–12:30 p.m.

ADDRESSES: American Geophysical Union, 2000 Florida Avenue NW., Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Elliott Levine, Designated Federal Officer, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; (202) 586–1476; email: *Elliott.Levine@ee.doe.gov* or Roy Tiley at (410) 997–7778 ext. 220; email: *rtiley@bcs-hq.com*.

SUPPLEMENTAL INFORMATION:

Purpose of the Committee: The Committee advises the points of contact (Departments of Energy and Agriculture) with respect to the Biomass R&D Initiative (Initiative) and also makes written recommendations to the Biomass R&D Board (Board). Those recommendations regard whether: (A) Initiative funds are distributed and used consistent with Initiative objectives; (B) solicitations are open and competitive with awards made annually; (C) objectives and evaluation criteria of the solicitations are clear; and (D) the points of contact are funding proposals selected on the basis of merit, and determined by an independent panel of qualified peers.

Purpose of Meeting: To provide advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

Tentative Agenda: Agenda will include the following:

- Update on USDA Biomass R&D Activities
- Update on DOE Biomass R&D Activities
- Overview of DOE Office of Science R&D Programs
- Overview of Other Agency Biomass R&D Programs

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you must contact Elliott Levine at 202–586–1476; Email: *Elliott.Levine@ee.doe.gov* or Roy Tiley at (410) 997–7778 ext. 220; Email: *rtiley@bcs-hq.com at least 5 business days* prior to the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Co-chairs will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying at *http://biomassboard.gov/committee/meetings.html*.

Issued at Washington, DC, on July 17, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–17667 Filed 7–22–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14430–000]

Monroe Hydro, LLC; Notice of Intent to File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 14430–000

c. *Date Filed:* April 2, 2013

d. *Submitted By:* Monroe Hydro, LLC

e. *Name of Project:* Monroe Drop Hydroelectric Project

f. *Location:* On the western side of the Bureau of Reclamation's North Unit Irrigation District Main Canal, in Jefferson County, Oregon. The project occupies 2.1 acres of United States lands administered by USDA Forest Service.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations

h. *Potential Applicant Contact:* Gia Schneider, Natel Energy, 2175 Monarch Street, Alameda, CA 94501; (510) 342–5269; email –*gia@natelenergy.com.*

i. *FERC Contact:* Adam Beeco at (202) 502–8655; or email at *adam.beeco@ferc.gov.*

j. Monroe Hydro filed its request to use the Traditional Licensing Process on April 2, 2013. Monroe Hydro provided public notice of its request on June 5, 2013. In a letter dated July 16, 2013, the Director of the Division of Hydropower Licensing approved Monroe Hydro's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920; and (c) the Oregon State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the

Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Monroe Hydro as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Monroe Hydro filed a Pre-Application Document (PAD) and a proposed process plan and schedule with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*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 paragraph h.

o. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: July 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17590 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1355–001.

Applicants: Southern California Edison Company.

Description: Supplement to December 17, 2012 Southern California Edison Company triennial market power analysis.

Filed Date: 7/16/13.

Accession Number: 20130716–5169.

Comments Due: 5 p.m. ET 8/6/13.

Docket Numbers: ER13–538–002.

Applicants: Consumers Energy Company.

Description: Consumers Energy Company—MBR Compliance to be effective 7/16/2013.

Filed Date: 7/16/13.

Accession Number: 20130716–5084.

Comments Due: 5 p.m. ET 8/6/13.

Docket Numbers: ER13–573–003.

Applicants: CMS Energy Resource Management Company.

Description: CMS ERM Company—MBR—Compliance to be effective 7/16/2013.

Filed Date: 7/16/13.

Accession Number: 20130716–5107.

Comments Due: 5 p.m. ET 8/6/13.

Docket Numbers: ER13–1312–000.

Applicants: Massachusetts Electric Company.

Description: Refund Report Regarding Interconnection Agreement with Seaman Energy LLC to be effective N/A.

Filed Date: 7/16/13.

Accession Number: 20130716–5163.

Comments Due: 5 p.m. ET 8/6/13.

Docket Numbers: ER13–1980–000.

Applicants: Golden Spread Electric Cooperative, Inc.

Description: Revised Wholesale Power Contracts Filing to be effective 9/13/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5241.

Comments Due: 5 p.m. ET 8/5/13.

Docket Numbers: ER13–1981–000.

Applicants: PJM Interconnection, L.L.C.

Description: Queue Positions U2–041 & V3–028; Original SA Nos. 3598; 3599; 3600 and 3601 to be effective 6/13/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5260.

Comments Due: 5 p.m. ET 8/5/13.

Docket Numbers: ER13–1982–000.

Applicants: E Minus LLC.

Description: Tariff 51 Cancellation to be effective 7/16/2013.

Filed Date: 7/16/13.

Accession Number: 20130716–5002.

Comments Due: 5 p.m. ET 8/6/13.

Docket Numbers: ER13–1983–000.

Applicants: PPL Montour, LLC.

Description: Notice of Cancellation of Power Sales Service Agreement of PPL Montour, LLC.

Filed Date: 7/15/13.

Accession Number: 20130715–5270.

Comments Due: 5 p.m. ET 8/5/13.

Docket Numbers: ER13–1984–000.

Applicants: Westar Energy, Inc.

Description: KEPCo, Revision to Attachment A-Delivery Points, (June 1, 2013) to be effective 6/1/2013.

Filed Date: 7/16/13.

Accession Number: 20130716–5083.

Comments Due: 5 p.m. ET 8/6/13.

Docket Numbers: ER13–1985–000.

Applicants: Deseret Generation & Transmission Co-operative, Inc.

Description: 2013 RIA Annual Update to be effective 1/1/2013.

Filed Date: 7/16/13.

Accession Number: 20130716–5167.

Comments Due: 5 p.m. ET 8/6/13.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC13–10–000.

Applicants: FortisBC Holdings Inc., FortisBC Energy Inc., FortisBC Energy (Vancouver Island) Inc., FortisBC Energy (Whistler) Inc., FortisBC Huntingdon Inc., FortisBC Alternative Energy Services Inc.

Description: FUCO Self-Certification of FortisBC Holdings Inc. and its Subsidiaries.

Filed Date: 7/15/13.

Accession Number: 20130715–5314.

Comments Due: 5 p.m. ET 8/5/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 16, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–17607 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP13–1073–000.

Applicants: Equitrans, L.P.

Description: Daily Imbalance Resolution to be effective 8/14/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5064.

Comments Due: 5 p.m. ET 7/29/13.

Docket Numbers: RP13–1074–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 07/15/13 Negotiated Rates—Exelon Generation Company, LLC to be effective 7/15/2013.
Filed Date: 7/15/13.
Accession Number: 20130715–5245.
Comments Due: 5 p.m. ET 7/29/13.

Docket Numbers: RP13–1075–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Negotiated Rate Agreement—Sequent Energy to be effective 7/16/2013.
Filed Date: 7/15/13.
Accession Number: 20130715–5269.
Comments Due: 5 p.m. ET 7/29/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 16, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–17624 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6597–013–NH]

Monadnock Paper Mills, Inc.; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for a new license for the multi-development Monadnock Hydroelectric Project, located along a five-mile reach of the Contoocook River in the towns of Peterborough, Greenfield, Hancock, and Bennington in Hillsborough County, New Hampshire, and has prepared an Environmental Assessment (EA) for the project. The project does not occupy any federal land.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also 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. 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.

Any comments should be filed within 30 days from the date of this notice. Comments may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments.

For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail comments to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Samantha Davidson at (202) 502–6839 or *samantha.davidson@ferc.gov*.

Dated: July 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17587 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6028–008]

The Bank of New York Mellon Trust Co., N.A. (Owner Trustee) EIF Haypress, Inc.; Notice of Transfer of Exemption

1. By letter filed July 5, 2013, The Bank of New York Mellon Trust Co., N.A. (Owner Trustee) and EIF Haypress, Inc. informed the Commission that the exemption from licensing for the Lower Haypress Creek Hydroelectric Project, FERC No. 6028, originally issued August 6, 1982,[1] has been transferred to EIF Haypress, Inc. The project is located on the Haypress Creek in Sierra County, California. The transfer of an exemption does not require Commission approval.

2. EIF Haypress, LLC, c/o Northbrook Hydro, LLC, 14550 N Frank Lloyd Wright Blvd., Suite 210, Scottsdale, AZ 85260, is now the exemptee of the Lower Haypress Creek Hydroelectric Project, FERC No. 6028.

Dated: July 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17584 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6061–008]

The Bank of New York Mellon Trust Co., N.A., (Owner Trustee), EIF Haypress, LLC; Notice of Transfer of Exemption

1. By letter filed July 5, 2013, The Bank of New Mellon Trust Co., N.A. (Owner Trustee) and EIF Haypress, LLC informed the Commission that the exemption from licensing for the Haypress Creek Hydroelectric Project, FERC No. 6061, originally issued August 12, 1982,[1] has been transferred to EIF Haypress, Inc. The project is located on the Haypress Creek in Sierra County, California. The transfer of an exemption does not require Commission approval.

[1] 20 FERC ¶ 62,225, Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 MW or Less and Denying Competing Applications for Preliminary Permit.

[1] 20 FERC ¶ 62,260, Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 MW and Denying Application for Preliminary Permits.

2. EIF Haypress, LLC, c/o Northbrook Hydro, LLC, 14550 N Frank Lloyd Wright Blvd., Suite 210, Scottsdale, AZ 85260, is now the exemptee of the Haypress Creek Hydroelectric Project, FERC No. 6061.

Dated: July 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17586 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1903–000]

MET New York Trading LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

July 17, 2013.

This is a supplemental notice in the above-referenced proceeding, of MET New York Trading LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability is August 6, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 17, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–17609 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1904–000]

MET West Trading LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

July 17, 2013.

This is a supplemental notice in the above-referenced proceeding, of MET West Trading LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability is August 6, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 17, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–17610 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1988–000]

Eligo Energy NY, LLC; Supplemental Notice that Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

July 17, 2013.

This is a supplemental notice in the above-referenced proceeding, of Eligo Energy NY, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to

intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability is August 6, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 17, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–17611 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1896–000]

AEP Generation Resources Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of AEP Generation Resources Inc.'s application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability is August 6, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 17, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–17608 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14525–000]

FFP Project 131, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications

On May 20, 2013, FFP Project 131, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project to be located at the US Army Corps of Engineers' (Corps) Felsenthal Lock & Dam on the Ouachita River near the town of Felsenthal in Union County, Arkansas. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 300-foot-long, 150-foot-wide intake channel; (2) a 100-foot-long, 150-foot-wide powerhouse containing two generating units with a total capacity of 5 megawatts; (3) a 500-foot-long, 150-foot-wide tailrace; (4) a 4.16/69 kilo-Volt (kV) substation; and (5) a 1.0-mile-long, 69kV transmission line. The proposed project would have an average annual generation of 18,000 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Mr. Daniel Lissner, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114. (978) 283–2822

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://*

www.ferc.gov/docs-filing/ecomment.asp. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14525) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17585 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14510–000]

FFP Project 124, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On April 2, 2013, FFP Project 124, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project to be located at the US Army Corps of Engineers' (Corps) Red River Lock & Dam #1 on the Red River near the town of Marksville in Catahoula Parish, Louisiana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 575-foot-long, 270-foot-wide forebay with a 200-foot-long retaining wall; (2) a 200-foot-long, 270-foot-wide powerhouse containing four generating units with a total capacity of 36.8 megawatts; (3) a 500-foot-long, 270-foot-wide tailrace with a 200-foot-long retaining wall; (4) a 4.16/69 kilo-Volt (kV) substation; and (5) a 0.4-mile-long, 69kV transmission line. The proposed project would have an average annual generation of 163,200 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Mr. Daniel Lissner, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114. (978) 283–2822.

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14510) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17591 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14523–000]

FFP Project 130, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications

On May 20, 2013, FFP Project 130, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project to be located at the US Army Corps of Engineers' (Corps) Jonesville Lock & Dam on the Black River near the town of Jonesville in Catahoula Parish, Louisiana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 400-foot-long, 110-foot-wide intake channel; (2) a 90-foot-long, 110-foot-wide powerhouse containing three generating units with a total capacity of 6 megawatts; (3) a 400-foot-long, 110-foot-wide tailrace; (4) a 4.16/69 kilo-Volt (kV) substation; and (5) a 10-mile-long, 69kV transmission line. The proposed project would have an average annual generation of 47,000 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Mr. Daniel Lissner, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114. (978) 283–2822

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://*

www.ferc.gov/docs-filing/ecomment.asp. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14523) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17589 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14509–000]

FFP Project 123, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications

On April 2, 2013, FFP Project 123, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project to be located at the US Army Corps of Engineers' (Corps) Amory Lock & Dam on the Tennessee-Tombigbee Waterway near the town of Amory in Monroe County, Mississippi. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 100-foot-long, 60-foot-wide forebay; (2) a 60-foot-long, 70-foot-wide powerhouse containing one generating unit with a total capacity of 1.5 megawatts; (3) a 700-foot-long, 60-foot-wide tailrace with a 300-foot-long retaining wall; (4) a 4.16/36.7 kilo-Volt (kV) substation; and (5) a 1.0-mile-long, 36.7kV transmission line. The proposed project would have an average annual generation of 7,100 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Mr. Daniel Lissner, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114. (978) 283–2822

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14509) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17588 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–512–000]

Florida Gas Transmission Company, LLC; Notice of Request Under Blanket Authorization

Take notice that on July 1, 2013, Florida Gas Transmission Company, LLC (Florida Gas), 1300 Main St., Houston, Texas 77002, filed a prior notice request pursuant to sections 157.205, 157.211, and 157.216 of the Commission's regulations under the Natural Gas Act (NGA) for authorization to abandon by sale the Riviera Facilities, FPU Riviera Meter and Regulator Station, and appurtenances; install temporary related connection piping and regulator facilities; and install a new interconnection with Electronic Flow Measurement, all located in Palm Beach County, Florida. Florida Gas' prior notice request is more fully set forth in the application, which is on file with the Commission and open to public inspection under Docket No. CP13–512–000. 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding the application should be directed Stephen Veatch, Senior Director of Certificates & Tariffs, Florida Gas Transmission Company, LLC, 1300 Main St., Houston, Texas 77002, by telephone at (713) 989–2024, by fax at (713) 989–1205, or by email at *stephen.veatch@energytransfer.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the

completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and five (5) copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: July 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17583 Filed 7–22–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9836–7]

California State Motor Vehicle Pollution Control Standards; Urban Buses; Request for Waiver of Preemption; Notice of Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Decision.

SUMMARY: EPA is granting the California Air Resources Board (CARB) its request for a waiver of preemption for emission standards and related test procedures contained in its urban bus regulations as they affect the 2002 and later model years. Urban buses are conventionally powered by a heavy-duty diesel engine that falls within the heavy-duty vehicle classification of greater than 33,000 pounds gross vehicle weight, and are intended primarily for intra-city operation, i.e., within the confines of a city or greater metropolitan area.

DATES: Petitions for review must be filed by September 23, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID EPA–HQ–OAR–2012–0745. All documents relied upon in making this decision, including those submitted to EPA by CARB, are contained in the public docket. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air and Radiation Docket in the EPA Headquarters Library, EPA West Building, Room 3334, located at 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open to the public on all federal government working days from 8:30 a.m. to 4:30 p.m.; generally, it is open Monday through Friday, excluding holidays. The telephone number for the Reading Room is (202) 566–1744. The Air and Radiation Docket and Information Center's Web site is *http://www.epa.gov/oar/docket.html.* The electronic mail (email) address for the Air and Radiation Docket is: *a-and-r-Docket@epa.gov*, the telephone number is (202) 566–1742, and the fax number is (202) 566–9744. An electronic version of the public docket is available through the federal government's electronic public docket and comment system. You may access EPA dockets at *http://www.regulations.gov.* After opening the *www.regulations.gov* Web site, enter EPA–HQ–OAR–2012–0745 in the ''Enter Keyword or ID'' fill-in box to view documents in the record. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

EPA's Office of Transportation and Air Quality (OTAQ) maintains a Web page that contains general information on its review of California waiver requests. Included on that page are links to prior waiver **Federal Register** notices, some of which are cited in today's notice; the page can be accessed at *http://www.epa.gov/otaq/cafr.htm.*

FOR FURTHER INFORMATION CONTACT: Brenton M. Williams, Attorney-Advisor, Compliance Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105. Telephone: (734) 214–4341. Fax: (734) 214–4053. Email: *williams.brent@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Chronology

By letter dated November 16, 2009, CARB submitted to EPA its request for a waiver of preemption pursuant to section 209(b) of the Clean Air Act (CAA or the Act), for its urban bus regulations.[1] California's urban bus regulations principally set requirements for California's public transit agencies that operate urban buses and other transit vehicles; additionally, the rulemakings set emission standards for new urban bus engines. CARB formally adopted these urban bus regulations during five separate rulemakings that took place between 2000 and 2005: a 2000 rulemaking, a 2002 rulemaking, a 2004 rulemaking, a February 2005 rulemaking, and an October 2005 rulemaking. Collectively, the five rulemakings elevated the stringency of exhaust emission standards and test procedures for heavy-duty urban bus engines and vehicles. The 2000 rulemaking included more stringent particulate matter (''PM'') emission standards for diesel-fueled urban bus engines through the 2006 model year; more stringent mandatory and optional nitrogen oxides (''NO_X'') and non-methane hydrocarbon (''NMHC'') standards for diesel-fueled urban bus engines through the 2003 model year; more stringent optional combined NMHC+ NO_X and PM standards for alternatively-fueled urban bus engines through the 2006 model year; more stringent primary emission standards for diesel-fueled urban buses through the 2006 model year; tightening of exhaust emission standards for 2007 and later model year heavy-duty urban diesel engines; and adoption of urban bus test procedures and label specifications. The 2000 rulemaking was formally adopted by CARB on November 22, 2000 and May 29, 2001,[2] and became operative under California law on January 23, 2001 and May 29, 2001, respectively.[3] The 2002 rulemaking allowed for an optional NMHC+ NO_X standard for 2004–2006 model year diesel-fueled urban bus engines when used in exempted transit fleets with commitments to demonstrate advanced NO_X after-treatment technology, and

[1] CARB, ''Request for Waiver Action Pursuant to Clean Air Act Section 209(b) for California's Urban Bus Emission Standards,'' EPA–HQ–OAR–2012–0745–0004, (November 16, 2009).

[2] CARB, ''Resolution 00–2,'' February 24, 2000; CARB, ''Executive Order G–00–060,'' (November 22, 2000); CARB, ''Executive Order G–01–010,'' (May 29, 2001).

[3] CARB, ''Secretary of State Face Sheet and Final Regulation Order,'' effective January 23, 2001; CARB, ''Secretary of State Face Sheet and Final Regulation Order,'' effective May 29, 2001.

established a certification procedure for hybrid electric buses. The 2002 rulemaking was formally adopted by CARB on September 2, 2003,[4] and became operative under California law on November 15, 2003.[5] The 2004 rulemaking added optional exhaust emission standards for diesel-fueled hybrid-electric urban bus engines for authorized transit agencies with NO_X mitigation plans for the 2004–2006 model years. The 2004 rulemaking was formally adopted by CARB on June 24, 2004,[6] and became operative under California law on January 31, 2004.[7] The February 2005 rulemaking clarified the optional standards for hybrid-electric buses that were allowed in the 2004 rulemaking. The February 2005 rulemaking was formally adopted by CARB on February 24, 2005,[8] and became operative under California law on January 31, 2006.[9] The October 2005 rulemaking amended the urban bus standards to align with California's existing exhaust emission standards for heavy-duty diesel engines. The October 2005 rulemaking was formally adopted by CARB on July 28, 2006,[10] and became operative under California law on October 7, 2006.[11] The revisions to emission standards and test procedures resulting from these five sets of amendments were codified at title 13, California Code of Regulations, section 1952.2 *et seq.,* which was later renumbered to section 2023 *et seq.*[12]

CARB seeks a waiver of preemption pursuant to section 209(b) of the Clean Air Act for the emission standards and related test procedures contained in its urban bus regulations, as amended through 2000 and 2005.

B. CARB's Urban Bus Rulemakings

There are two basic components to the rulemakings from 2000 to 2005 for urban buses: (1) More stringent emission standards for new urban bus engines applicable to urban bus engine manufacturers, along with amendments to the test procedures for determining compliance with the standards; and (2) transit agency fleet rules[13] applicable to public transit agencies that own or lease urban buses and other transit vehicles to provide transportation services to the public directly or through contracted services. This section discusses the emission standards and amendments to test procedures for which CARB requests a new waiver of preemption.[14]

1. 2000 Rulemaking

The 2000 amendments to the urban bus emission standards made them increasingly more stringent in multiple stages depending on fuel type. First, CARB established a more stringent PM emission standard of 0.01 grams per brake horsepower-hour (''g/bhp-hr'') for 2002 and later model year (MY) diesel-fuel, dual-fuel, and bi-fuel urban bus engines produced on or after October 1, 2002, representing an 80-percent reduction from the preexisting PM standard of 0.05 g/bhp-hr.[15] Second, for the 2004 through 2006 MY, the amendments increased the stringency of NO_X, NMHC, carbon monoxide (''CO''), and formaldehyde standards for all urban bus engines and provided optional standards as well. For urban bus engines other than diesel-fuel, dual-fuel, and bi-fuel engines, the emissions standards for 2004 through 2006 were set at 2.4 g/bhp-hr for NO_X+NMHC, 15.5 g/bhp-hr for CO, and 0.05 g/bhp-hr for PM (0.07g/bhp-hr PM in-use).[16] For diesel-fueled, dual-fuel, and bi-fuel urban bus engines in the 2004–2006 model years, the standards were set at 0.5 g/bhp-hr NO_X, representing a 75-percent reduction in the preexisting NO_X standard; 0.01 g/bhp-hr PM (maintaining the October 2002 standards), 0.05 g/bhp-hr NMHC, 5.0 g/bhp-hr CO, and 0.01 g/bhp-hr formaldehyde. Third, beginning with the 2007 MY, all urban bus engines (regardless of fuel type) had to meet more stringent emission standards for NO_X at 0.2 g/bhp-hr, NMHC at 0.05 g/bhp-hr, CO at 5.0 g/bhp-hr, and formaldehyde at 0.01 g/bhp-hr.[17]

The 2000 urban bus rulemaking also amended the ''California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles'' to be consistent with the urban bus standards described above. Additionally, the smog index label specifications and the incorporated Label Specifications were amended to be consistent with the requirements of the urban bus standards.[18]

2. 2002 Rulemaking

In the 2002 urban bus amendments, CARB allowed manufacturers of MY 2004–2006 diesel-fuel, dual-fuel, and bi-fuel urban bus engines to sell engines that did not meet the 2000 adopted standards (0.5 g/bhp-hr NO_X, representing a 75-percent reduction in the preexisting NO_X standard; 0.01 g/bhp-hr PM (maintaining the October 2002 standards), 0.05 g/bhp-hr NMHC, 5.0 g/bhp-hr CO, and 0.01 g/bhp-hr formaldehyde,) to an exempted public transit agency as long as the engine was certified either to the standards that continued as the primary standards for MY 2004–2006 alternative fuel bus engines (2.4/2.5 g/bhp-hr NO_X+NMHC), or to the optional October 2002–2003 standards for diesel-fuel engines of NO_X+NMHC standards between 1.8 and 0.3 g/bhp-hr, in 0.3 g/bhp-hr increments.[19]

Additionally, CARB adopted a new interim certification procedure that could be used to determine the compliance of 2004 and later model year hybrid electric buses (HEB) with the urban bus standards. The purpose of providing this new procedure was to facilitate quantification of the emission benefits of the hybrid-electric drive system in various HEB platforms.[20]

3. 2004 Rulemaking

The 2004 urban bus amendments relaxed the NO_X exhaust emission standard for model years 2004–2006 from 0.5 g/bhp-hr to 1.8 g/bhp-hr for diesel fuel hybrid-electric buses sold to a public transit agency that has been authorized by the Executive Officer of

[4] CARB, ''Resolution 02–30,'' (October 24, 2002); CARB, ''Executive Order G–03–023,'' (September 2, 2003).

[5] CARB, ''Secretary of State Face Sheet and Final Regulation Order,'' effective November 15, 2003.

[6] CARB, ''Resolution 04–19,'' (June 24, 2004).

[7] CARB, ''Secretary of State Face Sheet and Final Regulation Order,'' effective January 31, 2004.

[8] CARB, ''Resolution 05–15,'' (February 24, 2005).

[9] CARB, ''Secretary of State Face Sheet and Final Regulation Order,'' effective January 31, 2006.

[10] CARB, ''Resolution 05–47,'' (September 15, 2005); CARB, ''Resolution 05–53,'' (October 20, 2005); CARB Resolution 05–61,'' (October 27, 2005); CARB, ''Executive Order R–05–007,'' (July 28, 2006).

[11] CARB, ''Secretary of State Face Sheet and Final Regulation Order,'' effective October 7, 2006.

[12] *See supra* notes 5, 7, 9, 11, and 13.

[13] CARB's transit agency fleet rules are not covered by CARB's waiver request and will not be subject to waiver analysis. CARB represents that the fleet rules are not preempted under CAA section 209(a) because CARB's directions to transit agencies to purchase and lease specified buses and vehicles with given engine technologies or with given emission limits by specified dates fall with the market participant doctrine, as articulated by the 9th Circuit Court of Appeals. *Tocher* v. *City of Santa Ana et al.* (9th Cir. 2000) 219 F.3d 1040, 1050. CARB, ''Clean Air Act § 209(b) Waiver Support Document Submitted by the California Air Resources Board,'' EPA–HQ–OAR–2012–0745–0004, (November 2009), at page 1.

[14] CARB, ''Clean Air Act § 209(b) Waiver Support Document Submitted by the California Air Resources Board,'' EPA–HQ–OAR–2012–0745–0004, (November 2009), at page 4.

[15] CARB, ''Overview of the 2000, 2002, 2004, and 2005 Transit Agency and Urban Bus Rulemakings,'' EPA–HQ–OAR–2012–0745–0007, (November 2009), at page 1.

[16] These standards were set for urban buses in a 1998 CARB rulemaking for heavy heavy-duty diesel engines, which established standards for the 2004 and later MY. *Id.* at 2.

[17] *Id.* at 2.

[18] CARB, ''Clean Air Act § 209(b) Waiver Support Document Submitted by the California Air Resources Board,'' EPA–HQ–OAR–2012–0745–0004, (November 2009), at page 9.

[19] *Id.* at 8.

[20] *Id.* at 9.

CARB to acquire such buses, as long as the transit agency demonstrates it will undertake measures to mitigate the excess NO_X emissions.[21]

4. February 2005 Rulemaking

The February 2005 amendments corrected the 2004–2006 MY emission standards for diesel hybrid-electric engines used in urban buses. When the standards were amended in the 2004 rulemaking, CARB inadvertently omitted the then-existing standards for NMHC and CO. The February 2005 amendments reinserted the engine exhaust emission standards of 0.5 g/bhp-hr for NMHC and 15.5 g/bhp-hr for CO, and removed the formaldehyde standard.[22]

5. October 2005 Rulemaking

The October 2005 amendments aligned the urban bus exhaust emission standards with California's existing exhaust emission standards for heavy-duty diesel-cycle engines, for which a federal waiver of preemption had already been granted.[23] The alignment allows the urban bus manufacturers to use averaging, banking, and trading (ABT) and other provisions in California's heavy-duty engine testing and certification procedures. The alignment also allowed for the following standards to be phased in through MY 2010: 0.02 g/bhp-hr NO_X, 0.14 g/bhp-hr NMHC, 0.01 g/bhp-hr PM, 15.5 g/bhp-hr CO, and 0.05 g/bhp-hr formaldehyde.

C. EPA's Review of California's Urban Bus Waiver Request

EPA announced its receipt of California's request for a waiver of preemption pursuant to section 209(b) of the Act for the emission standards and related test procedures contained in its urban bus regulations, as amended through 2000 and 2005 in a **Federal Register** notice on January 4, 2013.[24] In that notice, EPA offered an opportunity for public hearing and comment on CARB's request.

EPA invited comment, with respect to California's emission standards and related test procedures contained in its urban bus regulations, on whether: (a) California's determination that its motor vehicle emission standards are, in the aggregate, at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious, (b) California needs such standards to meet compelling and extraordinary conditions, and (c) California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Act.

No party requested an opportunity for a hearing to present oral testimony, and EPA did not receive any written comments.

D. Clean Air Act New Motor Vehicle Waivers of Preemption

Section 209(a) of the Act preempts states and local governments from setting emission standards for new motor vehicles and engines; it provides:

> No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No state shall require certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Through operation of section 209(b) of the Act, California is able to seek and receive a waiver of section 209(a)'s preemption. If certain criteria are met, section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209(a). Section 209(b)(1) only allows a waiver to be granted for any state that had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the state determines that its standards will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards (*i.e.*, if such state makes a ''protectiveness determination''). Because California was the only state to have adopted standards prior to 1966, it is the only state that is qualified to seek and receive a waiver.[25] The Administrator must grant a waiver unless she finds that: (A) California's above-noted ''protectiveness determination'' is arbitrary and capricious;[26] (B) California does not need such State standards to meet compelling and extraordinary conditions;[27] or (C) California's standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.[28] EPA has previously stated that consistency with section 202(a) requires that California's standards must be technologically feasible within the lead time provided, giving due consideration to costs, and that California and applicable federal test procedures be consistent.[29]

The second sentence of section 209(a) of the Act prevents states from requiring, ''certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.'' However, once EPA has granted California a waiver of section 209(a)'s preemption for emission standards and/or accompanying enforcement procedures, California may then require other such conditions precedent.[30] EPA can confirm that a California requirement is a condition precedent to sale, titling, or registration, if: (1) The requirements do not constitute new or different standards or accompanying enforcement procedures, and (2) the requirements do not affect the basis for the previous waiver decision.

In contrast to section 209(a)'s preemption of state adoption of standards controlling emissions from new motor vehicles and motor vehicle engines, section 209(d) of the Act explicitly preserves states' ability to regulate vehicles and engines in use. Section 209(d) provides that despite section 209(a)'s preemption, ''Nothing in this part shall preclude or deny to any State or political subdivision thereof the right otherwise to control, regulate, or restrict the use, operation, or movement of registered or licensed motor vehicles.''[31]

E. Deference to California

In previous waiver decisions, EPA has recognized that the intent of Congress in creating a limited review based on the section 209(b)(1) criteria was to ensure that the federal government did not second-guess state policy choices. This has led EPA to state:

[21] CARB, ''Overview of the 2000, 2002, 2004, and 2005 Transit Agency and Urban Bus Rulemakings,'' EPA–HQ–OAR–2012–0745–0007, (November 2009), at page 3.

[22] *Id.* at 4.

[23] 70 FR 50322 (August 26, 2005).

[24] 78 FR 719 (January 4, 2013).

[25] *See* S. Rep. No. 90–403 at 632 (1967).

[26] CAA § 209(b)(1)(A).

[27] CAA § 209(b)(1)(B).

[28] CAA § 209(b)(1)(C).

[29] *See, e.g.,* 74 FR 32767 (July 8, 2009); *see also Motor and Equipment Manufacturers Association* v. *EPA* (*MEMA I*), 627 F.2d 1095, 1126 (D.C. Cir. 1979).

[30] ''Once California receives a waiver for standards for a certain class of motor vehicles, it need only meet the waiver criteria of section 209(b) for regulations pertaining to those vehicles when it adopts new or different standards or accompanying enforcement procedures. Otherwise, California may adopt any other condition precedent to the initial retail sale, titling, or registration of those vehicles without the necessity of receiving a further waiver of Federal preemption.'' 43 FR 36680 (August 18, 1978).

[31] *See also Engine Mfrs. Ass'n* v. *EPA,* 88 F.3d 1075, 1094 (D.C. Cir. 1996).

It is worth noting . . . I would feel constrained to approve a California approach to the problem which I might also feel unable to adopt at the federal level in my own capacity as a regulator. The whole approach of the Clean Air Act is to force the development of new types of emission control technology where that is needed by compelling the industry to ''catch up'' to some degree with newly promulgated standards. Such an approach . . . may be attended with costs, in the shaped of reduced product offering, or price or fuel economy penalties, and by risks that a wider number of vehicle classes may not be able to complete their development work in time. Since a balancing of these risks and costs against the potential benefits from reduced emissions is a central policy decision for any regulatory agency under the statutory scheme outlined above, I believe I am required to give very substantial deference to California's judgments on this score.[32]

EPA has stated that the text, structure, and history of the California waiver provision clearly indicate both a congressional intent and appropriate EPA practice of leaving the decision on ''ambiguous and controversial matters of public policy'' to California's judgment.[33]

This interpretation is supported by the House Committee Report discussion of the 1977 amendments to the Clean Air Act. Congress had the opportunity to restrict the waiver provision, but elected instead to expand California's flexibility to adopt a complete program of motor vehicle emission controls. The amendment is intended to ratify and strengthen the California waiver provision and to affirm the underlying intent of that provision, *i.e.,* to afford California the broadest possible discretion in selecting the best means to protect the health of its citizens and the public welfare.[34]

F. Burden of Proof

In *Motor and Equip. Mfrs Assoc. v. EPA,* 627 F.2d 1095 (DC Cir. 1979) (*MEMA I*), the U.S. Court of Appeals for the D.C. Circuit stated that the Administrator's role in a section 209 proceeding is to:

consider all evidence that passes the threshold test of materiality and . . . thereafter assess such material evidence against a standard of proof to determine whether the parties favoring a denial of the waiver have shown that the factual circumstances exist in which Congress intended a denial of the waiver.[35]

The court in *MEMA I* considered the standards of proof under section 209 for the two findings related to granting a waiver for an ''accompanying enforcement procedure'' (as opposed to the standards themselves): (1) Protectiveness in the aggregate and (2) consistency with section 202(a) findings. The court instructed that ''the standard of proof must take account of the nature of the risk of error involved in any given decision, and it therefore varies with the finding involved. We need not decide how this standard operates in every waiver decision.'' [36]

The court upheld the Administrator's position that, to deny a waiver, there must be 'clear and compelling evidence' to show that proposed procedures undermine the protectiveness of California's standards.[37] The court noted that this standard of proof also accords with the congressional intent to provide California with the broadest possible discretion in setting regulations it finds protective of the public health and welfare.[38]

With respect to the consistency finding, the court did not articulate a standard of proof applicable to all proceedings, but found that the opponents of the waiver were unable to meet their burden of proof even if the standard were a mere preponderance of the evidence. Although *MEMA I* did not explicitly consider the standards of proof under section 209 concerning a waiver request for ''standards,'' as compared to accompanying enforcement procedures, there is nothing in the opinion to suggest that the court's analysis would not apply with equal force to such determinations. EPA's past waiver decisions have consistently made clear that: ''even in the two areas concededly reserved for Federal judgment by this legislation—the existence of 'compelling and extraordinary' conditions and whether the standards are technologically feasible—Congress intended that the standards of EPA review of the State decision to be a narrow one.'' [39]

Opponents of the waiver bear the burden of showing that the criteria for a denial of California's waiver request have been met. As found in *MEMA I,* this obligation rests firmly with opponents of the waiver in a section 209 proceeding:

[t]he language of the statute and it's legislative history indicate that California's regulations, and California's determinations that they must comply with the statute, when presented to the Administrator are presumed to satisfy the waiver requirements and that the burden of proving otherwise is on whoever attacks them. California must present its regulations and findings at the hearing and thereafter the parties opposing the waiver request bear the burden of persuading the Administrator that the waiver request should be denied.[40]

The Administrator's burden, on the other hand, is to make a reasonable evaluation of the information in the record in coming to the waiver decision. As the court in *MEMA I* stated: ''here, too, if the Administrator ignores evidence demonstrating that the waiver should not be granted, or if he seeks to overcome that evidence with unsupported assumptions of his own, he runs the risk of having his waiver decision set aside as 'arbitrary and capricious.' '' [41] Therefore, the Administrator's burden is to act ''reasonably.'' [42]

II. Discussion

California's urban bus regulations elevated the stringency of exhaust emission standards and test procedures for heavy-duty urban bus engines and vehicles. It is CARB's contention that the new emission standards and test procedures for new urban buses and engines meet the criteria for a new waiver of preemption. The Administrator must grant a waiver unless the Administrator finds that: (a) California's ''protectiveness determination'' is arbitrary and capricious; [43] (b) California does not need such state standards to meet compelling and extraordinary conditions; [44] or (c) California's standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.[45] As noted above, consistency with section 202(a) requires that California's standards must be technologically feasible within the lead time provided, giving due consideration to costs, and that California and applicable federal test procedures be consistent.[46]

A. California's Protectiveness Determination

Section 209(b)(1)(A) of the Clean Air Act requires EPA to deny a waiver if the Administrator finds that California was arbitrary and capricious in its

[32] 40 FR 23103–23104 (May 28, 1975); *see also* LEV I Decision Document at 64 (58 FR 4166 (January 13, 1993)).

[33] 40 FR 23104 and 58 FR 4166.

[34] *MEMA I,* 627 F.2d at 1110 (*citing* H.R. Rep. No. 294, 95 Cong., 1st Sess. 301–02 (1977).

[35] *MEMA I,* 627 F.2d at 1122.

[36] *Id.*

[37] *Id.*

[38] *Id.*

[39] *See, e.g.,* 40 FR 21102–103 (May 28, 1975).

[40] *MEMA I,* 627 F.2d at 1121.

[41] *Id.* at 1126.

[42] *Id.* at 1126.

[43] CAA § 209(b)(1)(A).

[44] CAA § 209(b)(1)(B).

[45] CAA section 209(b)(1)(C).

[46] *See, e.g.,* 74 FR 32767 (July 8, 2009); *see also* Motor and Equipment Manufacturers Association v. EPA (*MEMA I*), 627 F.2d 1095, 1126 (D.C. Cir. 1979).

determination that its State standards will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards. When evaluating California's protectiveness determination, EPA generally compares the stringency of the California and federal standards at issue in a given waiver request.

CARB approved more stringent emission standards for new urban transit buses and engines and the corresponding test procedures by Resolution 00–2 (February 24, 2000), Resolution 02–30 (October 24, 2002), Resolution 04–19 (June 24, 2004), Resolution 05–15 (February 24, 2005), and Resolutions 05–53 and 05–61 (October 20 and 27, 2005, respectively).[47] In the respective Resolutions, CARB determined that the amendments ''would not cause California's emission standards, in the aggregate, to be less protective of public health and welfare than the applicable federal standards.'' [48] The amended California standards align with, or are more stringent than, the applicable federal urban bus standards for NO_X, NMHC, PM, and CO for each of the respective model years covered by the amendments.[49]

There were no comments that expressed an opinion, nor has there been any evidence presented, suggesting that CARB was arbitrary and capricious in making its above-noted protectiveness findings. Based on the record, EPA cannot find that California was arbitrary and capricious in its findings that California's new urban bus emission standards, in the aggregate, at least as protective of public health and welfare as applicable federal standards.

B. California's Need for State Standards To Meet Compelling and Extraordinary Conditions

Under section 209(b)(1)(B) of the Act, EPA cannot grant a waiver if California ''does not need such State standards to meet compelling and extraordinary conditions.'' To evaluate this criterion, EPA considers whether California needs its separate emission standards and test procedures to meet compelling and extraordinary conditions.

Over the past forty years, CARB has repeatedly demonstrated the need for its motor vehicle emissions program to address compelling and extraordinary conditions in California.[50] In the aforementioned Resolutions, CARB affirmed its longstanding position that California continues to need its own emission standards and test procedures to meet its serious air pollution problems. Likewise, EPA has consistently recognized that California continues to have the same ''geographical and climatic conditions that, when combined with the large numbers and high concentrations of automobiles, create serious pollution problems.'' [51] Furthermore, there were no comments presenting any argument or evidence to suggest that California no longer needs separate emission standards and test procedures to address compelling and extraordinary conditions in California. Therefore, EPA has determined that we cannot deny California a waiver for its new urban bus standards under section 209(b)(1)(B).

C. Consistency With Section 202(a) of the Clean Air Act

Under section 209(b)(1)(C) of the Act, EPA must deny a California waiver request if the Agency finds that California standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. The scope of EPA's review under this criterion is narrow. EPA has stated on many occasions that the determination is limited to whether those opposed to the waiver have met their burden of establishing that California's standards are inconsistent with section 202(a). Previous waivers of federal preemption have stated that California's standards are not consistent with section 202(a) if there is inadequate lead time to permit the development of technology necessary to meet those requirements, giving appropriate consideration to the cost of compliance within that time. California's accompanying enforcement procedures would be inconsistent with section 202(a) if the federal and California test procedures conflict, *i.e.,* if manufacturers would be unable to meet both the California and federal test requirements with the same test vehicle.

1. Lead Time Is Adequate for Manufacturer Compliance

CARB asserts that given the submission date of the waiver request (November 16, 2009), the technological feasibility of the amendments cannot be disputed given the fact that manufacturers have been able to certify engines in the lead time provided.[52]

EPA received no comments indicating that CARB's urban bus amendments present lead-time or technology issues with respect to consistency under section 202(a) and the agency knows of no other evidence to that effect. Thus, EPA is unable to find that California's urban bus standards are not technologically feasible within the available lead-time, giving appropriate consideration to the cost of compliance.

2. Consistency of Test Procedures

With regard to the consistency of the California test procedures with the applicable federal test procedures, CARB has adopted certification requirements in the 2000 rulemaking that are nearly identical to those adopted and affirmed by the EPA.[53] Although the 2002 adopted Interim Certification Procedure for HEB is a new accompanying test procedure, it is optional, and the general test procedures and requirements necessary for certifying a diesel or gasoline heavy-duty engine for sale in California may continue to be used by manufacturers for certification of urban bus engines.[54] CARB asserts it is not aware of any instance in which a manufacturer is precluded from conducting a single set of tests on an urban bus engine to determine compliance with both the California and federal emission standards.[55]

EPA received no comments expressing any disagreement with these statements from CARB, and no comments presenting any evidence opposing CARB's assertions regarding consistency with federal test procedures. EPA is unable to find that California's urban bus test procedures impose requirements inconsistent with federal test procedures.

For the reasons set forth above, California's urban bus standards and accompanying enforcement procedures

[47] *See* EPA–HQ–OAR–2012–0745 for copies of Resolutions.

[48] CARB, ''Clean Air Act § 209(b) Waiver Support Document Submitted by the California Air Resources Board,'' EPA–HQ–OAR–2012–0745–0004, (November 2009), at page 13.

[49] See *Id.* at 5; and see *Id.* at 13.

[50] *See, e.g.,* Approval and Promulgation of State Implementation Plans; California—South Coast, 64 FR 1770, 1771 (January 12, 1999). *See also* 69 FR 23858, 23881–90 (April 30, 2004) (designating 15 areas in California as nonattainment for the federal 8-hour ozone national ambient air quality standard).

[51] 49 FR 18887, 18890 (May 3, 1984); *see also* 76 FR 34693 (June 14, 2011), 74 FR 32744, 32763 (July 8, 2009), and 73 FR 52042 (September 8, 2008).

[52] *See* CARB, ''Clean Air Act § 209(b) Waiver Support Document Submitted by the California Air Resources Board,'' EPA–HQ–OAR–2012–0745–0004, (November 2009), at pages 15–19.

[53] 65 FR 59896 (October 6, 2000).

[54] CARB, ''Clean Air Act § 209(b) Waiver Support Document Submitted by the California Air Resources Board,'' EPA–HQ–OAR–2012–0745–0004, (November 2009), at page 20.

[55] *Id.*

are not inconsistent with section 202(a) of the Act.

D. Other Issues

The 2000 rulemaking required the addition of information to the emission control label for urban bus engines to help identify the engines certified to the optional emission standards.[56] CARB asserts that because the labels do not pertain to a manufacturer's ability to certify and produce engines that comply with the applicable emission standards, the emission control label specifications are not standards or accompanying enforcement procedures.[57] The specifications are, however, subject to federal preemption under CAA section 209(a) because the specifications are a condition precedent to the initial retail sale of the new engines in California.[58] EPA has stated that ''once California has received a waiver of federal preemption for its standards and enforcement procedures for a class of vehicles, it may adopt other conditions precedent to initial retail sale, titling or registration of the subject class of vehicles without the necessity of receiving a further waiver of federal preemption.'' [59] In the instant case, CARB states that it has received previous waivers for urban bus engines.[60] Therefore, CARB need not demonstrate that the labeling specifications independently meet the waiver criteria. EPA agrees with this assessment and the labeling specifications may be enforced in California without further action by the Administrator.[61]

E. Full Waiver of Preemption Determination for California's Urban Bus Standards

After a review of the information submitted by CARB, and given there were no parties opposing California's request, EPA finds that California's urban bus standards should receive a full waiver of preemption.

III. Decision

The Administrator has delegated the authority to grant California section 209(b) waivers of preemption and section 209(e) authorizations to the Assistant Administrator for Air and Radiation. After evaluating CARB's urban bus emission standards and test procedures and CARB's submissions, EPA is taking the following action. EPA is granting a waiver of preemption to California for its urban bus emission standards and test procedures as they affect the 2002 and later model years.

My decision will affect not only persons in California, but also manufacturers outside the State who must comply with California's requirements in order to produce vehicles for sale in California. For this reason, I determine and find that this is a final action of national applicability for purposes of section 307(b)(1) of the Act. Pursuant to section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for review must be filed by September 23, 2013. Judicial review of this final action may not be obtained in subsequent enforcement proceedings, pursuant to section 307(b)(2) of the Act.

IV. Statutory and Executive Order Reviews

As with past authorization and waiver decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Further, the Congressional Review Act, 5 U.S.C. 801, *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3).

Dated: July 15, 2013.

Gina McCarthy,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2013–17700 Filed 7–22–13; 8:45 am]

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[56] *Id.*

[57] *Id.*

[58] *See, e.g.,* 49 FR 18887 (May 5, 1984), 47 FR 1015 (January 8, 1982), and 46 FR 36237 (July 14, 1981).

[59] 46 FR 36742 (July 15, 1981), 45 FR 54131 (August 14, 1980), and 43 FR 36579 (August 18, 1978).

[60] *See, e.g.,* 68 FR 75500 (December 31, 2003).

[61] CARB, ''Clean Air Act § 209(b) Waiver Support Document Submitted by the California Air Resources Board,'' EPA–HQ–OAR–2012–0745–0004, (November 2009), at page 21.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9836–4; Docket ID No. EPA–HQ–ORD–2006–0756]

Notice of a Public Comment Period on the Draft IRIS Carcinogenicity Assessment for Ethylene Oxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period.

SUMMARY: EPA is announcing a 45-day public comment period on the draft IRIS assessment titled, ''Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide'' (EPA/635/R–13/128a) and on the draft peer review charge questions. The draft assessment and draft peer review charge questions were prepared by the National Center for Environmental Assessment (NCEA) within the EPA Office of Research and Development (ORD). The 45-day public comment period on the draft Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide and on the draft peer review charge questions begins on the day EPA posts the draft assessment and the draft peer review charge questions on the IRIS Web site and ends 45 days later. EPA anticipates posting the draft assessment and draft charge questions on or around July 23, 2013. Shortly after the draft carcinogenicity assessment is posted on the IRIS Web site, EPA will initiate a peer review of the draft assessment, which EPA anticipates will be undertaken by the Science Advisory Board. EPA is releasing this draft carcinogenicity assessment for the purpose of public comment. This draft assessment is not final, as described in EPA's information quality guidelines, and it does not represent and should not be construed to represent Agency policy or views.

DATES: The 45-day public comment period on the draft Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide and on the draft peer review charge questions begins on the day EPA posts the draft assessment and the draft peer review charge questions on the IRIS Web site and ends 45 days later. The draft assessment and peer review charge questions will be posted to the IRIS Web site at *http://www.epa.gov/IRIS.* Comments should be in writing and received by EPA within 45 days after posting the draft carcinogenicity assessment and the draft peer review charge questions on the IRIS Web site. EPA anticipates posting the draft assessment and draft charge questions on or around July 23, 2013.

ADDRESSES: The draft IRIS carcinogenicity assessment titled, ''Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide'' is available primarily via the Internet on the IRIS Web site at *http://www.epa.gov/IRIS.* A limited number of paper copies are available from the Information Management Team (Address: Information Management Team, National Center for Environmental

Assessment [Mail Code: 8601P], U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: 703–347–8561; facsimile: 703–347–8691). If you request a paper copy, please provide your name, mailing address, and the draft assessment title. Comments may be submitted electronically via *http://www.regulations.gov,* by email, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: For information on the draft assessment, please contact Jennifer Jinot, U.S. Environmental Protection Agency, National Center for Environmental Assessment, Mail Code 8623P, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: 703–347–8597; facsimile: 703–347–8690; or email: *jinot.jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The draft IRIS assessment of the inhalation carcinogenicity of ethylene oxide was prepared by the National Center for Environmental Assessment (NCEA) within the EPA Office of Research and Development (ORD). The public has been provided an opportunity to comment on a previous external review draft of the Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide. On September 22, 2006, EPA released an external review draft ''Evaluation of the Carcinogenicity of Ethylene Oxide'' (EPA/635/R–06/003) for public comment. This draft was reviewed by EPA's Science Advisory Board on January 18 and 19, 2007. The expert panel's final report, Review of the Office of Research and Development (ORD) Draft Assessment entitled, ''Evaluation of the Carcinogenicity of Ethylene Oxide'' (EPA–SAB–08–004), was made available on December 21, 2007.

The draft IRIS carcinogenicity assessment titled, ''Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide'' (EPA/635/R–13/128a) has been revised in response to the peer review and public comments received on the external review draft released in September 2006. This notice announces a new public comment period on the current revised draft carcinogenicity assessment in advance of an upcoming peer review and in accordance with applicable information quality guidelines. The external peer review comments and EPA responses on the previous draft assessment are summarized in Appendix H of the draft. EPA is releasing this revised draft assessment for the purposes of additional public comment and subsequent peer review. This draft assessment is not final, as described in EPA's information quality guidelines, and it does not represent and should not be construed to represent Agency policy or views.

In addition to an opportunity for public comment announced in this notice, EPA will initiate a peer review of the draft IRIS carcinogenicity assessment and will announce the details of the peer review in a separate **Federal Register** Notice. EPA seeks additional external peer review on how the Agency responded to the SAB panel recommendations, the exposure-response modeling of epidemiologic data, including new analyses since the 2007 external peer review, and on the adequacy, transparency, and clarity of the revised draft. The peer review will include an opportunity for the public to address the peer reviewers. EPA will announce the date, time and procedures for public participation in the peer review meeting in a separate **Federal Register** Notice and in an announcement on the IRIS Web site.

II. Information About IRIS

EPA's IRIS Program is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to chemical substances found in the environment. Through the IRIS Program, EPA provides the highest quality science-based human health information for more than 550 chemical substances that can be used in human health risk assessments to support the Agency's regulatory activities and decisions to protect public health. When supported by available data, IRIS provides health effects information and toxicity values for chronic health effects (including cancer and effects other than cancer). Government agencies and others combine IRIS toxicity values with exposure information to characterize public health risks of chemical substances; this information is then used to support risk management decisions designed to protect public health.

III. How To Submit Comments to the Docket at *http://www.regulations.gov*

Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2006–0756, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: ORD_Docket@epa.gov.*
- *Facsimile:* 202–566–9744.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 28221T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. The telephone number is 202–566–1752. If you provide comments by mail, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.
- *Hand Delivery:* The OEI Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center 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. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. If you provide comments by hand delivery, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2006–0756. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked ''late,'' and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *http://www.regulations.gov,* including any personal information provided, unless comments include information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comments. If you send email comments directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comments that are placed in the public docket and made available on the Internet. If you

submit electronic comments, EPA recommends that you include your name and other contact information in the body of your comments and with any disk or CD–ROM you submit. If EPA cannot read your comments due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comments. Electronic files should avoid the use of special characters and any form of encryption and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: July 15, 2013.

Abdel M. Kadry,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 2013–17675 Filed 7–22–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9837–3; CERCLA–04–2013–3760]

Circle Environmental #1 Superfund Site; Dawson, Terrell County, Georgia; Notice of Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of settlement.

SUMMARY: Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement with Walter G. Mercer, Jr. concerning the Circle Environmental #1 Superfund Site located in Dawson, Terrell County, Georgia. The settlement addresses cost incurred by the agency in conducting a fund lead Removal.

DATES: The Agency will consider public comments on the settlement until August 22, 2013. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Environmental Protection Specialist using the contact information provided in this Notice. Comments may also be submitted by referencing the Site's name through one of the following methods:

- *Internet: www.epa.gov/region4/superfund/programs/enforcement/enforcement.html*
- *U.S. Mail:* U.S. Environmental Protection Agency, Attn: Paula V. Painter, 61 Forsyth Street SW., Atlanta, Georgia 30303.
- *Email: Painter.Paula@epa.gov*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at (404) 562–8887.

Dated: May 21, 2013.

Anita L. Davis,

Chief, Superfund Enforcement & Information Management Branch, Superfund Division.

[FR Doc. 2013–17701 Filed 7–22–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid control number. Comments are requested concerning whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written comments should be submitted on or before August 22, 2013. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via fax 202–395–5167, or via email *Nicholas_A._Fraser@omb.eop.gov*; and to Cathy Williams, FCC, via email *PRA@fcc.gov* mailto:PRA@fcc.gov and to *Cathy.Williams@fcc.gov*. Include in the comments the OMB control number as shown in the ''Supplementary Information'' section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0874.

Title: FCC Form 2000 A through H, FCC Form RDA, FCC Form 475–B, FCC Form 1088 A through H, and FCC Form 501-Consumer Complaint Forms: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer

Protection Act, and Slamming Complaints.

Form Number: FCC Form 2000 A through H, FCC Form RDA, FCC Form 475–B, FCC Form 1088 A through H, and FCC Form 501.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit entities; Not-for-profit institutions; State, local or Tribal Government.

Number of Respondents and Responses: 315,413 respondents; 315,913 responses.

Estimated Time per Response: .25 hours (15 minutes) to .50 hours (30 minutes).

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Voluntary.

Total Annual Burden: 151,047 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–1, ''Informal Complaints and Inquiries,'' which became effective on January 25, 2010.

Privacy Impact Assessment: The FCC completed a Privacy Impact Assessment (PIA) on June 28, 2007. The PIA may be reviewed at *http://www.fcc.gov/omd/privacyact/Privacy-Impact-Assessment.html*. The FCC is in the process of updating the PIA to incorporate various revisions made to the SORN.

Needs and Uses: The Commission consolidated all of the FCC complaint forms into a single collection, which allows the Commission to better manage all forms used to collect informal consumer complaints. This revised information collection requests OMB approval for the minor adjustments needed for the filing of informal complaints alleging violations of the accessibility requirements of section 255 (telecommunications services and equipment), section 716 (advanced communications services or equipment), and section 718 (Internet browsers on mobile phones) of the Communications Act of 1934 (the Act), as amended, and the Commission's regulations implementing those provisions. 47 U.S.C. 618; 47 CFR 14.30. Pursuant to the new enforcement rules that will go into effect on October 8, 2013, informal complaints alleging violations of section 255 of the Act will no longer be filed on FCC Form 2000C. Instead, informal complaints alleging violations of sections 255, 716, or 718 of the Act will be filed on new FCC Form 2000H. In addition, a new Request for Dispute Assistance form (FCC Form RDA) will be used to initiate the 30-day period that must precede the filing of these informal complaints. The burdens associated with filing the new 2000H and RDA forms were contained in and have been extracted from the collection found in OMB control number 3060–1167. All information collection burdens associated with submission of FCC complaint forms, including modification of the 2000C form and the creation of the new 2000H and RDA forms, are consolidated into the collection found in OMB control number 3060–0874.

OMB Control Number: 3060–1167.

Title: Accessible Telecommunications and Advanced Communications Services and Equipment.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Businesses or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 9,549 respondents; 119,817 responses.

Estimated Time per Response: .50 hours (30 minutes) to 40 hours.

Frequency of Response: Annual, one time, and on occasion reporting requirements; recordkeeping requirement; third-party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in sections 1–4, 255, 303(r), 403, 503, 716, 717, and 718 of the Communications Act, as amended, 47 U.S.C. 151, 303(r), 403, 503, 617, 618, and 619.

Total Annual Burden: 409,378 hours.

Total Annual Cost: $291,488.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's system of records notice (SORN), FCC/CGB–1, ''Informal Complaints and Inquiries,'' which became effective on January 25, 2010. In addition, upon the service of an informal or formal complaint, a service provider or equipment manufacturer must produce to the Commission, upon request, records covered by 47 CFR 14.31 of the Commission's rules and may assert a statutory request for confidentiality for these records. All other information submitted to the Commission pursuant to Subpart D of Part 14 of the Commission's rules or to any other request by the Commission may be submitted pursuant to a request for confidentiality in accordance with 47 CFR 0.459 of the Commission's rules.

Privacy Impact Assessment: The FCC completed a Privacy Impact Assessment (PIA) on June 28, 2007. The PIA may be reviewed at *http://www.fcc.gov/omd/privacyact/Privacy-Impact-Assessment.html*. The FCC is in the process of updating the PIA to incorporate various revisions made to the SORN.

Needs and Uses: On October 7, 2011, in document FCC 11–151, the FCC released a Report and Order adopting final rules to implement sections 716 and 717 of the Communications Act of 1934 (the Act), as amended, which were added to the Act by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA). See Public Law 111–260, 104. Section 716 of the Act requires providers of advanced communications services and manufacturers of equipment used for advanced communications services to make their services and equipment accessible to individuals with disabilities, unless doing so is not achievable. 47 U.S.C. 617. Section 717 of the Act establishes new recordkeeping requirements and enforcement procedures for service providers and equipment manufacturers that are subject to sections 255, 716, and 718 of the Act. 47 U.S.C. 618. Section 255 of the Act requires telecommunications and interconnected VoIP services and equipment to be accessible, if readily achievable. 47 U.S.C. 255. Section 718 of the Act requires web browsers included on mobile phones to be accessible to and usable by individuals who are blind or have a visual impairment, unless doing so is not achievable. 47 U.S.C. 619.

Among other things, the FCC established procedures in document FCC 11–151 to facilitate the filing of formal and informal complaints alleging violations of sections 255, 716, or 718 of the Act. Those procedures include a nondiscretionary pre-filing notice procedure to facilitate dispute resolution. As a prerequisite to filing an informal complaint, complainants must first request dispute assistance from the Consumer and Governmental Affairs Bureau's Disability Rights Office.

Pursuant to the new enforcement rules that will go into effect on October 8, 2013, these informal complaints will be filed on a new FCC Form 2000H. In addition, a new Request for Dispute Assistance form (FCC Form RDA) will be used to initiate the 30-day period which must precede the filing of an informal complaint. The burdens associated with filing the new 2000H and Request for Dispute Assistance

forms are contained in the collection found in OMB control number 3060–0874. Therefore, the Commission extracted those burdens from the collection found in OMB control number 3060–1167. In addition, the Commission has revised its estimate of the number of requests for dispute assistance and the number of informal complaints that it expects to receive and the burdens associated with the processing and handling of those requests and complaints.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–17648 Filed 7–22–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 13–86; DA 13–1560]

FCC Extends Reply Comment Dates for Indecency Cases Policy

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Federal Communications Commission Enforcement Bureau and Office of General Counsel extend the deadlines for filing reply comments in GN Docket No. 13–86 by 15 days. On July 1, 2013, the College Broadcasters, Inc. (CBI) requested an extension for filing reply comments. We recognize the importance of affording all interested parties sufficient time to review the comments in the Docket and to prepare their reply comments as warranted. We also respect the interest of the public in having sufficient time for review and consideration of the various positions and concerns. Therefore, the extended deadline for filing reply comments is August 2, 2013.

DATES: Reply comments may be filed on or before August 2, 2013.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. *See* **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Eloise Gore, Associate Bureau Chief, Enforcement Bureau, at (202) 418–1066 or Jacob Lewis, Associate General Counsel, Office of the General Counsel, at (202) 418–1767. Please direct press inquiries to Mark Wigfield at (202) 418–0253.

SUPPLEMENTARY INFORMATION: Each document that is filed in this proceeding must display the docket number of this Notice, GN Docket No. 13–86, on the front page. The Public Notice, DA 13–1560, released July 12, 2013, is available for inspection and copying from 8 a.m. until 4:30 p.m., Monday through Thursday or from 8 a.m. until 11:30 a.m. on Friday at the FCC Reference Information Center, Portals II, Room CY–A257, 445 12th Street SW., Washington, DC 20554. The complete text of the Public Notice may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160, facsimile (202) 488–5563, email *FCC@BCPIWEB.com,* or you may contact BCPI via its Web site, *http://www.bcpiweb.com.* When ordering documents from BCPI, please provide the appropriate FCC document number DA 13–1560. The Public Notice is also available on the Internet at the Commission's Web site through its Electronic Document Management System (EDOCS) at *http://hraunfoss.fcc.gov/edocs_public/.* Alternative formats are available to persons with disabilities (Braille, large print, electronic files, audio format); to obtain, please send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

All comments should refer to GN Docket No. 13–86.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file reply comments on or before the date indicated on the first page of this document. Reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

▪ *Electronic Filers:* Reply comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*

▪ *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

▪ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

▪ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

▪ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This matter shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules.[1] Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.[2] Other rules pertaining to oral and written ex parte presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules.[3]

Federal Communications Commission.

Eloise Gore,

Associate Chief, Enforcement Bureau.

[FR Doc. 2013–17705 Filed 7–22–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, July 25, 2013 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

[1] *See* 47 CFR 1.1200, 1.1206.

[2] *See* 47 CFR 1.1206(b).

[3] *Id.*

Correction and Approval of Minutes for June 27 and July 11, 2013;

Draft Advisory Opinion 2013–04: Democratic Governors Association and Jobs & Opportunity;

Draft Advisory Opinion 2013–05: Representative Elton Gallegly;

Draft Advisory Opinion 2013–06: Democratic Senatorial Campaign Committee;

Draft Advisory Opinion 2013–07: Dan Winslow for US Senate Committee;

OGC Enforcement Manual;

Management and Administrative Matters.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202)694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2013–17733 Filed 7–19–13; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 5, 2013.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Dow R. Hughes, Tulsa, Oklahoma,* individually and as fiduciary, to retain control of Regent Capital Corporation, parent of Regent Bank, both in Nowata, Oklahoma. In addition, notification by the following members of the Hughes Family Group acting in concert: the Dow R. Hughes Revocable Trust, Dow Hughes, trustee; the Deanne D. Hughes Revocable Trust, Deanne D. Hughes, trustee; DRH, LLC; Dave Hughes; Michelle Hughes; and the David G. Dutton Living Trust, David Dutton, trustee; all of Tulsa, Oklahoma, to retain control of Regent Capital Corporation, and thereby control Regent Bank, both in Nowata, Oklahoma:

Board of Governors of the Federal Reserve System, July 18, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–17638 Filed 7–22–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 15, 2013.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *CBOA Financial, Inc.,* Tucson, Arizona, to acquire First Scottsdale Bank, National Association, Scottsdale, Arizona.

Board of Governors of the Federal Reserve System, July 18, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–17637 Filed 7–22–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice and request for comment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to OMB for a three-year extension of the current PRA clearance for the information collection requirements contained in the Contact Lens Rule. That clearance expires on July 31, 2013 (OMB Control No. 3084–0127).

DATES: Comments must be received by August 22, 2013.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Alysa S. Bernstein, Attorney, or Bonnie McGregor, Federal Trade Investigator, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580, (202) 326–3289 (Bernstein) and (202) 326–2356 (McGregor).

SUPPLEMENTARY INFORMATION:

Title: Contact Lens Rule (Rule), 16 CFR Part 315.

OMB Control Number: 3084–0127.

Type of Review: Extension of a currently approved collection.

Abstract: The FTC promulgated the Rule pursuant to the Fairness to Contact Lens Consumers Act (FCLCA), Public Law 108–164 (Dec. 6, 2003), which was enacted to enable consumers to purchase contact lenses from the seller of their choice. The Rule became effective on August 2, 2004. As mandated by the FCLCA, the Rule requires the release and verification of contact lens prescriptions and contains recordkeeping requirements applying to

both prescribers and sellers of contact lenses.

Specifically, the Rule requires that prescribers provide a copy of the prescription to the consumer upon completion of a contact lens fitting and verify or provide prescriptions to authorized third parties. The Rule also mandates that a contact lens seller may sell contact lenses only in accordance with a prescription that the seller either: (a) Has received from the patient or prescriber; or (b) has verified through direct communication with the prescriber. In addition, the Rule imposes recordkeeping requirements on contact lens prescribers and sellers. For example, the Rule requires prescribers to document in their patients' records the medical reasons for setting a contact lens prescription expiration date of less than one year. The Rule requires contact lens sellers to maintain for three years records of all direct communications involved in obtaining verification of a contact lens prescription, as well as prescriptions, or copies thereof, that they receive directly from customers or prescribers.

The information retained under the Rule's recordkeeping requirements is used by the Commission to determine compliance with the Rule and may also provide a basis for the Commission to bring an enforcement action. Without the required records, it would be difficult either to ensure that entities are complying with the Rule's requirements or to bring enforcement actions for Rule violations.

On February 8, 2013, the Commission sought comment on the Rule's information collection requirements.[1] One comment was received, from the American Optometric Association (''AOA''). That comment stated that the majority of the information collected by the FTC is accurate, but it provided alternate figures for some data, expressed disfavor of passive verification, and sought more effective enforcement of the Rule. Data provided by the AOA is reflected in updated burden estimates set out below and are addressed in more detail within the Agency's ''Supporting Statement for Information Collection Provisions of the Contact Lens Rule,'' which is available upon request from the FTC contact officials and separately at *www.reginfo.gov.*

As required by OMB regulations, 5 CFR Part 1320, the FTC is providing this second opportunity for public comment.

Likely Respondents: Contact lens prescribers and contact lens sellers.

Estimated Annual Hours Burden: 1,594,981 hours (derived from 685,514 hours + 909,467 hours).

- *Contact Lens Prescribers:* 633,333 hours (38 million contact lens wearers × 1 minute per prescription/60 minutes) + 52,181 hours (1,043,613 wearers × 3 minutes/60 minutes) = 685,514 hours
- *Contact Lens Sellers:* 852,625 hours (10,231,500 wearers × 5 minutes/60 minutes) + 56,842 hours (3,410,500 wearers × 1 minute/60 minutes) = 909,467 hours).

Estimated Annual Cost Burden: $48,991,000 (rounded to the nearest thousand), which is derived from ($52.80 × 685,514 hours) + ($14.07 × 909,467 hours) = $48,991,340.[2]

Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 22, 2013. Write ''Contact Lens Rule: FTC File No. P054510'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you are required to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comment online, or to send it to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/contactlensrulepra2,* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Contact Lens Rule: FTC File No. P054510'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 22, 2013. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.shtm.*

Comments on the information collection requirements subject to review under the PRA should also be submitted to OMB. If sent by U.S. mail, address comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however,

[1] See 78 FR 9391.

[2] According to the Bureau of Labor Statistics from May 2012, salaried optometrists earn an average wage of $52.80 per hour and general office clerks earn an average wage of $14.07 per hour. *See* Press Release, Bureau of Labor Statistics, United States Department of Labor, Occupational Employment and Wages—May 2012, Table 1 (Mar. 29, 2013), *available at http://www.bls.gov/news.release/ocwage.htm.*

are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5167.

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2013–17560 Filed 7–22–13; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Interest Rate on Overdue Debts

Section 30.18 of the Department of Health and Human Services' claims collection regulations (45 CFR Part 30) provides that the Secretary shall charge an annual rate of interest, which is determined and fixed by the Secretary of the Treasury after considering private consumer rates of interest on the date that the Department of Health and Human Services becomes entitled to recovery. The rate cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the ''Schedule of Certified Interest Rates with Range of Maturities'' unless the Secretary waives interest in whole or part, or a different rate is prescribed by statute, contract, or repayment agreement. The Secretary of the Treasury may revise this rate quarterly. The Department of Health and Human Services publishes this rate in the **Federal Register**.

The current rate of 10⅜% as fixed by the Secretary of the Treasury, is certified for the quarter ended June 30, 2013. This rate is based on the Interest Rates for Specific Legislation, ''National Health Services Corps Scholarship Program (42 U.S.C. 254o(b)) and ''National Research Service Award Program (42 U.S.C. 288(c)(4)(B)).'' This interest rate will be applied to overdue debt until the Department of Health and Human Services publishes a revision.

Dated: July 12, 2013.

Margie Yanchuk,

Director, Associate Deputy Assistant Secretary.

[FR Doc. 2013–17683 Filed 7–22–13; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0823]

Agency Information Collection Activities: Proposed Collection; Comment Request; Format and Content Requirements for Over-the-Counter Drug Product Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the standardized format and content requirements for the labeling of over-the-counter (OTC) drug products.

DATES: Submit either electronic or written comments on the collection of information by September 23, 2013.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–7726, *Ila.Mizrachi@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Format and Content Requirements for OTC Drug Product Labeling—(OMB Control Number 0910–0340)—Extension

In the **Federal Register** of March 17, 1999 (64 FR 13254) (the 1999 labeling final rule), we amended our regulations governing requirements for human drug products to establish standardized format and content requirements for the labeling of all marketed OTC drug products in part 201 (21 CFR Part 201). The regulations in part 201 require OTC drug product labeling to include uniform headings and subheadings, presented in a standardized order, with minimum standards for type size and other graphical features. Specifically, the 1999 labeling final rule added new § 201.66 to part 201. Section 201.66 sets content and format requirements for the Drug Facts portion of labels on OTC drug products.

On June 20, 2000 (65 FR 38191), we published a **Federal Register** final rule that required all OTC drug products marketed under the OTC monograph system to comply with the labeling requirements in § 201.66 by May 16, 2005, or sooner (65 FR 38191 at 38193). Currently marketed OTC drug products are already required to be in compliance with these labeling requirements, and thus will incur no further burden to comply with Drug Facts labeling requirements in § 201.66. Modifications of labeling already required to be in Drug Facts format are usual and customary as part of routine redesign practice, and thus do not create

additional burden within the meaning of the PRA. Therefore, the burden to comply with the labeling requirements in § 201.66 is a one-time burden applicable only to new OTC drug products introduced to the marketplace under new drug applications (NDAs), abbreviated new drug applications (ANDAs), or an OTC drug monograph, except for products in ''convenience size'' packages.[1] New OTC drug products must comply with the labeling requirements in § 201.66 as they are introduced to the marketplace.

Based on a March 1, 2010, estimate provided by the Consumer Healthcare Products Association (75 FR 49495 at 49496), we estimated that approximately 900 new OTC drug product stock keeping units (SKUs) are introduced to the marketplace each year. We estimated that these SKUs are marketed by 300 manufacturers. We estimated that the preparation of labeling for new OTC drug products would require 12 hours to prepare, complete, and review prior to submitting the new labeling to us. Based on this estimate, the annual reporting burden for this type of labeling is approximately 10,800 hours.

OTC sunscreen products were previously not included in our consideration of the burden to comply with the Drug Facts labeling requirements in § 201.66. We specifically exempted OTC sunscreen products from complying with the 1999 labeling final rule until we lifted the stay of the sunscreen final rule published in the **Federal Register** of May 21,1999 (64 FR 27666). In the **Federal Register** of December 31, 2001 (66 FR 67485), we stayed the 1999 sunscreen final rule indefinitely. Additionally, in the **Federal Register** of September 3, 2004 (69 FR 53801), we delayed the § 201.66 labeling implementation date for OTC sunscreen products indefinitely, pending future rulemaking to amend the substance of labeling for these products. In the **Federal Register** of August 27, 2007 (72 FR 49070), we proposed changes to labeling and related testing requirements for sunscreen products to address both ultraviolet A and ultraviolet B radiation, and we anticipated that sunscreen products would become subject to § 201.66 at the time any resultant final rule becomes effective. In the **Federal Register** of June 17, 2011 (76 FR 35620), we published a final rule that established testing and labeling requirements for OTC sunscreen products. This 2011 final rule lifted the delay of the § 201.66 labeling implementation date for OTC sunscreen product. The compliance dates for the 2011 final rule were June 18, 2012, for sunscreen products with annual sales of $25,000 or more and June 17, 2013, for sunscreen products with annual sales of less than $25,000, but we later delayed these compliance dates to December 17, 2012, and December 17, 2013, respectively, when we published an extension date notice on May 11, 2012 (77 FR 27591).

All currently marketed sunscreen products are, therefore, already required to be in compliance with the Drug Facts labeling requirements in § 201.66, and thus will incur no further burden under the information collection provisions in the 1999 labeling final rule. However, a new OTC sunscreen drug product, like any new OTC drug product, will be subject to a one-time burden to comply with Drug Facts labeling requirements in § 201.66. We estimated that 60 new SKUs of OTC sunscreen drug products would be marketed each year (77 FR 27234). We estimated that these 60 SKUs would be marketed by 30 manufacturers. We estimated that approximately 12 hours would be spent on each label, based on the most recent estimate used for other OTC drug products to comply with the 1999 Drug Facts labeling final rule, including public comments received on this estimate in 2010 that addressed sunscreens.

In determining the burden for § 201.66, it is also important to consider exemptions or deferrals of the regulation allowed products under § 201.66(e). Since publication of the 1999 labeling final rule, we have received only one request for exemption or deferral. One response over an 8-year period equates to an annual frequency of response equal to 0.125. In the 1999 labeling final rule, we estimated that a request for deferral or exemption would require 24 hours to complete (64 FR 13254 at 13276). We continue to estimate that this type of response will require approximately 24 hours. Multiplying the annual frequency of response (0.125) by the number of hour per response (24) gives a total response time for requesting exemption or deferral equal to 3 hours.

FDA estimates the current burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN[1]

21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
201.66(c) and (d) for new OTC drug products	300	3	900	12	10,800
201.66(c) and (d) for new OTC sunscreen products	20	3	60	12	720
201.66(e)	1	0.125	0.125	24	3
Total					11,523

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

[1] In a final rule published in the **Federal Register** of April 5, 2002 (67 FR 16304), the Agency delayed the compliance dates for the 1999 labeling final rule for all OTC drug products that: (1) Contain no more than two doses of an OTC drug; and (2) because of their limited available labeling space, would require more than 60 percent of the total surface area available to bear labeling to meet the requirements set forth in § 201.66(d)(1) and (d)(9) and, therefore, qualify for the labeling modifications currently set forth in § 201.66(d)(10) (67 FR 16304 at 16306). The Agency issued this delay in order to develop additional rulemaking for these ''convenience size'' products (December 12, 2006; 71 FR 74474). These products are not currently subject to the requirements of § 201.66. PRA approval for any requirements to which they may be subject in the future will be handled in a separate rulemaking.

Dated: July 16, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–17548 Filed 7–22–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0403]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Protection of Human Subjects: Informed Consent; Institutional Review Boards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 22, 2013.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–NEW and title ''Protection of Human Subjects: Informed Consent; Institutional Review Boards.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–7726, *Ila.Mizrachi@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Protection of Human Subjects: Informed Consent; Institutional Review Boards—(OMB Control Number 0910–NEW)

Part 50 (21 CFR part 50) applies to all clinical investigations regulated by FDA under sections 505(i) and 520(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i) and 360j(g), respectively), as well as clinical investigations that support applications for research or marketing permits for products regulated by FDA, including foods and dietary supplements that bear a nutrient content claim or a health claim, infant formulas, food and color additives, drugs for human use, medical devices for human use, biological products for human use, and electronic products. Compliance with part 50 is intended to protect the rights and safety of subjects involved in investigations filed with the FDA under sections 403, 406, 409, 412, 413, 502, 503, 505, 510, 513–516, 518–520, 721, and 801 of the FD&C Act (21 U.S.C. 343, 346, 348, 350a, 350b, 352, 353, 355, 360, 360c–360f, 360h–360j, 379e, and 381, respectively) and sections 351 and 354–360F of the Public Health Service Act.

With few exceptions, no investigator may involve a human being as a subject in FDA-regulated research unless the investigator has obtained the legally effective informed consent of the subject or the subject's legally authorized representative (see § 50.20). In seeking informed consent, each subject must be provided with certain elements of informed consent. Those elements are listed in § 50.25. Informed consent shall be documented in writing as described in § 50.27.

An institutional review board (IRB) may approve emergency research without requiring the informed consent of all research subjects provided the IRB finds and documents that certain criteria are met as required in § 50.24. We estimate that about five times per year an IRB is requested to review emergency research under § 50.24. We estimate, of the five yearly requests for IRB review under § 50.24, a particular IRB will take about an hour during each of three separate fully convened IRB meetings to review the request under § 50.24 (one meeting occurring after community consultation). The total annual reporting burden for IRB review of emergency research under § 50.24 is estimated at 15 hours (see table 1).

The information requested in the regulations for exception from the general requirements for informed consent for medical devices (21 CFR 812.47), and the information requested in the regulations for exception from the general requirements of informed consent in 21 CFR 50.23, paragraphs (a) through (c), and (e), is currently approved under OMB control number 0910–0586. The information requested in the investigational new drug (IND) regulations concerning exception from informed consent for emergency research under § 50.24 is currently approved under OMB control number 0910–0014. In addition, the information requested in the regulations for IND safety reporting requirements for human drug and biological products and safety reporting requirements for bioavailability and bioequivalence studies in humans (21 CFR 320.31(d) and 312.32(c)(1)(ii) and (c)(1)(iv)) is currently approved under OMB control number 0910–0672.

Some clinical investigations involving children, although otherwise not approvable, may present an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of children (see § 50.54). Certain clinical investigations involving children may proceed if the IRB finds and documents that the clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children and when the Commissioner of Food and Drugs, after consultation with a panel of experts in pertinent disciplines and following opportunity for public review and comment, makes a determination that certain conditions are met (see § 50.54(b)).

The information requested for clinical investigations in children of FDA-regulated products is covered by the collections of information in the IND regulations (part 312 (21 CFR part 312)), the investigational device exemption (IDE) regulations (part 812 (21 CFR part 812)), the IRB regulations (21 CFR 56.115), the food additive petition and nutrient content claim petition regulations (21 CFR 101.69 and 101.70), and the infant formula regulations (21 CFR parts 106 and 107)), all of which are approved by OMB. Specifically, the information collected under the IND regulations is currently approved under OMB control number 0910–0014. The information collected under the IDE regulations is currently approved under OMB control number 0910–0078. The information collected under the IRB regulations is currently approved under OMB control number 0910–0130. The information collected in food additive and nutrient content claim petitions is currently approved under OMB control number 0910–0381 (general requirements) and 0910–0016 (FDA Form 3503). The information collected under the infant formula regulations is currently approved under OMB control number 0910–0256 (general requirements) and 0910–0188 (infant formula recalls).

Part 56 (21 CFR part 56) contains the general standards for the composition, operation, and responsibility of an IRB

that reviews clinical investigations regulated by FDA under sections 505(i) and 520(g) of the FD&C Act, as well as clinical investigations that support applications for research or marketing permits for products regulated by FDA, including foods and dietary supplements, that bear a nutrient content claim or a health claim, infant formulas, food and color additives, drugs for human use, medical devices for human use, biological products for human use, and electronic products. Compliance with part 56 is intended to protect the rights and welfare of human subjects involved in such investigations.

The information collected under the IRB regulations, ''Protection of Human Subjects—Recordkeeping and Reporting Requirements for Institutional Review Boards (part 56),'' including the information collection activities in the provisions in § 56.108(a)(1) and (b), is currently approved under OMB control number 0910–0130. The information collected under the regulations for the registration of IRBs in § 56.106 is currently approved under OMB control number 0910–0279. The information collected for IRB review and approval for the IDE regulations (part 812) is currently approved under OMB control number 0910–0078. The information collected for premarket approval of medical devices (part 814 (21 CFR part 814)) is currently approved under OMB control number 0910–0231. The information collected under the regulations for IRB requirements for humanitarian use devices (part 814, subpart H) is currently approved under OMB control number 0910–0332. The information collected under the regulations for IRB review and approval of INDs (part 312) is currently approved under OMB control number OMB control number 0910–0014.

This new collection of information is limited to certain provisions in part 50, subpart B (informed consent of human subjects), and part 56 (IRBs), not currently approved under the OMB control numbers referenced elsewhere in this document. Those new proposed collections of information in part 50 are §§ 50.24 (emergency research), 50.25 (elements of informed consent), and 50.27 (documentation of informed consent).

In part 56, those new proposed collections of information are in § 56.109(e) (IRB written notification to approve or disapprove research); § 56.109(f) (continuing review of research); § 56.113 (suspension or termination of IRB approval of research); § 56.120(a) (IRB response to lesser administrative actions for noncompliance); and, § 56.123 (reinstatement of an IRB or institution).

In § 56.109(f), the amount of time an IRB spends on the continuing review of a particular study will vary depending on the nature and complexity of the research, the amount and type of new information presented to the IRB, and whether the investigator is seeking approval of substantive changes to the research protocol or informed consent document. For many studies, continuing review can be fairly straightforward, and the IRB should be able to complete its deliberations and approve the research within a brief period of time.

When an IRB or institution violates the regulations, FDA issues to the IRB or institution a noncompliance letter (see § 56.120(a)). The IRB or institution must respond to the noncompliance letter describing the corrective actions that will be taken by the IRB or institution. FDA estimates about five IRBs or institutions will be issued a noncompliance letter annually. We estimate that the IRB's or institution's response will take about 10 hours to prepare, with an estimated total annual burden of 50 hours.

To date, no IRB or institution has been disqualified by FDA under § 56.121. Therefore, no IRB or institution has been reinstated under § 56.123. For this reason, we estimate the annual reporting burden for one respondent only. We estimate a 5-hour burden per response, with an estimated total annual burden of 5 hours.

Those regulatory provisions in parts 50 and 56 not currently approved under certain OMB control numbers are shown in table 1.

In the **Federal Register** of April 24, 2013 (78 FR 24208), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
56.109(e) IRB Written Notification to Approve or Disapprove Research; 56.109(f) Continuing Review; 50.25 Elements of Informed Consent; and 50.27 Documentation of Informed Consent.	6,000	40	240,000	1	240,000
50.24 Exception from Informed Consent for Emergency Research	5	3	15	1	15
56.113 Suspension or Termination of IRB Approval of Research	6,000	1	6,000	0.5 (30 minutes)	3,000
56.120(a) IRB Response to Lesser Administrative Actions for Noncompliance	5	1	5	10	50
56.123 Reinstatement of an IRB or Institution	1	1	1	5	5
Total					243,070

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 16, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–17550 Filed 7–22–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0825]

Agency Information Collection Activities; Proposed Collection; Comment Request; Premarket Approval of Medical Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements for premarket approval of medical devices.

DATES: Submit either electronic or written comments on the collection of information by September 23, 2013.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–5156, *daniel.gittleson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Premarket Approval of Medical Devices—21 CFR Part 814 and Federal Food, Drug, and Cosmetic Act Sections 513, 515, and 520 (OMB Control Number 0910–0231)—Extension

Under section 515 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360(e)) all devices placed into class III by FDA are subject to premarket approval requirements. Premarket approval (PMA) is the process of scientific and regulatory review to ensure the safety and effectiveness of class III devices. An approved PMA is, in effect, a private license granted to the applicant for marketing a particular medical device. A class III device that fails to meet PMA requirements is considered to be adulterated under section 501(f) of the FD&C Act (21 U.S.C. 351(f)) and cannot be marketed. Premarket approval requirements apply differently to preamendments devices, postamendments devices, and transitional class III devices.

Manufacturers of class III preamendments devices, devices that were in commercial distribution before May 28, 1976, are not required to submit a PMA until 30 months after the issuance of a final classification regulation or until 90 days after the publication of a final regulation requiring the submission of a PMA, whichever period is later. FDA may allow more than 90 days after issuance of a final rule for submission of a PMA.

A postamendments device is one that was first distributed commercially on or after May 28, 1976. Postamendments devices determined by FDA to be substantially equivalent to preamendments class III devices are subject to the same requirements as the preamendments devices. FDA determines substantial equivalence after reviewing an applicant's premarket notification submitted in accordance with section 510(k) of the FD&C Act. Postamendments devices determined by FDA to be not substantially equivalent to either preamendments devices or postamendments devices classified into class I or II are ''new'' devices and fall automatically into class III. Before such devices can be marketed, they must have an approved premarket approval application or be must reclassified into class I or class II.

The Food and Drug Modernization Act of 1997 (FDAMA) (Public Law 105–115) was enacted on November 21, 1997, to implement revisions to the FD&C Act by streamlining the process of bringing safe and effective drugs, medical devices, and other therapies to the U.S. market. FDAMA added section 515(d)(6) to the FD&C Act (21 U.S.C. 360e(d)(6)), which provided that PMA supplements were required for all device changes that affect safety and effectiveness unless such changes are modifications to manufacturing procedures or method of manufacture. That type of manufacturing change will require a 30-day notice, or where FDA finds such notice inadequate, a 135-day PMA supplement.

The implementing regulations, contained in 21 CFR part 814, further specify the contents of a PMA for a medical device and the criteria FDA will employ in approving, denying, or withdrawing approval of a PMA and supplements to PMAs. The regulations' purpose is to establish an efficient and thorough procedure for FDA's review of PMAs and supplements to PMAs for class III medical devices. The regulations facilitate the approval of PMAs and supplements to PMAs for devices that have been shown to be reasonably safe and effective and otherwise meet the statutory criteria for approval. The regulations also ensure the denial of PMAs and supplements to PMAs for devices that have not been shown to be reasonably safe and effective and that do not otherwise meet the statutory criteria for approval.

The industry-wide burden estimate for PMAs is based on an FDA actual average fiscal year (FY) annual rate of receipt of PMA submissions data FY 2010 through 2012 and our expectations of submissions to come in the next few years. The burden data for PMAs is based on data provided by applicants by device type and cost element in an earlier study.

Reporting Burden:

The reporting burden can be broken out by certain sections of the PMA regulations and the FD&C Act as follows:

§ 814.15(b)—Research Conducted Outside the United States

Each foreign study should be performed in accordance with the ''Declaration of Helsinki'' or the laws and regulations of the country in which the study was conducted. If the study was conducted in accordance with the laws of the country, the PMA applicant is required to explain to FDA in detail the differences between the laws of the country and the ''Declaration of Helsinki.'' Based on the number of PMAs received that contained studies from overseas, FDA estimates that the burden estimate necessary to meet this requirement is 50 hours.

§ 814.20—Application

Included in this requirement are the conduct of laboratory and clinical trials as well as the analysis, review, and physical preparation of the PMA application. FDA estimates that 40 applicants, including hospital re-manufacturers of single use devices, will be affected by these requirements which are based on the actual average of FDA receipt of new PMA applications in FY 2010 through 2012. FDA's estimate of the hours per response (668) was derived through FDA's experience and consultation with industry and trade associations. In addition, FDA also based its estimate on the results of an earlier study which accounts for the bulk of the hourly burden for this requirement, which is identified by applicants.

§ 814.37(a) Through (c) and (e)—PMA Amendments and Re-Submitted PMAs

As part of the review process, FDA often requests the PMA applicant to submit additional information regarding the device necessary for FDA to file the PMA or to complete its review and make a final decision. The PMA applicant may, also on their own initiative, submit additional information to FDA during the review process. These amendments contain information ranging from additional test results, re-analysis of the original data set, to revised device labeling. Almost all PMAs received by the Agency have amendments submitted during the review process. FDA estimates that 20,040 burden hours are necessary to satisfy this requirement.

§ 814.39(a)—PMA Supplements

FDA believes that 39,000 burden hours are needed to complete the requirements for the range of PMA supplements (180-day fee-based, 180-day non-fee based, and real-time supplements).

§ 814.39(d)—Special PMA Supplements—Changes Being Affected

This type of supplements is intended to enhance the safety of the device or the safe use of the device. The number of PMA supplements received that fit this category averaged 80 per year based on the numbers received from FY 2010 through FY 2012. Because of the minimal data required to be included in this type of supplement, FDA estimates that the burden hours necessary to satisfy this requirement are 480 hours.

§ 814.39(f)—30-Day Notice

Under section 515(d) of the FD&C Act, modifications to manufacturing procedures or methods of manufacture that affect the safety and effectiveness of a device subject to an approved PMA do not require submission of a PMA supplement under paragraph (a) of this section and are eligible to be the subject of a 30-day notice. A 30-day notice shall describe in detail the change, summarize the data or information supporting the change, and state that the change has been made in accordance with the requirements of part 820 (21 CFR part 820). The applicant may distribute the device 30 days after the date on which FDA receives the 30-day notice, unless FDA notifies the applicant within 30 days from receipt of the notice, that it is not adequate. FDA estimates the burden to satisfy this requirement is 24,000 hours.

§ 814.82(a)(9)—Post-Approval Requirements

Post-approval requirements concerns approved PMAs that were not reclassified and require a periodic report. After approval, all PMAs require a submission of an annual report. A majority of the submitted PMAs require associated post-approval studies, i.e., followup of patients used in clinical trials to support the PMA or additional preclinical information that is labor-intensive to compile and complete; the remaining PMAs require minimal information. Based on experience and consultation with industry, FDA has estimated that preparation of reports and information required by this section requires 31,050 hours.

§ 814.84(b)—Periodic Reports

Post-approval requirements described in § 814.82(a)(7) require submission of an annual report for each approved PMA. FDA estimates that respondents will average about 10 hours in preparing their reports to meet this requirement. This estimate is based on FDA's experience and consultation with industry. Thus, FDA estimates that the periodic reporting burden required by this section will take 6,000 hours.

Expedited or Priority Review—Section 515(d)(5) of the FD&C Act

FDA will provide special review, which can include expedited processing of a PMA application, for certain devices intended to treat or diagnose life threatening or irreversibly debilitating diseases or conditions. To receive special review, the devices must meet one of the following criteria:

- The device represents a breakthrough technology,
- There are no approved alternatives,
- The use of the device offers significant advantages over existing approved alternatives, or
- Availability is in the best interest of the patients.

Agreement Meeting—Section 520(g)(7) of the FD&C Act

Applicants planning to submit a PMA may submit a written request to reach agreement with FDA on the key parameters of the investigational plan.

Determination Meeting—Section 513(a)(3)(D) of the FD&C Act

Applicants planning to submit a PMA may submit a written request to FDA for a meeting to determine the type of information (valid scientific evidence) necessary to support the effectiveness of their device.

Panel of Experts—Section 515(c)(3) of the FD&C Act

An original PMA or panel track PMA supplement is taken to an advisory panel of experts unless FDA determines that the information in the application substantially duplicates information which has previously been reviewed by the panel.

Day 100 Meeting—Section 515(d)(3) of the FD&C Act

FDA must, upon the written request of the applicant, meet with that party within 100 days of receipt of the filed PMA application to discuss the review

status of the application. With the concurrence of the applicant, a different schedule may be established.

Prior to this meeting, FDA must inform the applicant in writing of any identified deficiencies and what information is required to correct those deficiencies. FDA must also promptly notify the applicant if FDA identifies additional deficiencies or of any additional information required to complete Agency review.

Recordkeeping:

§ 814.82(a)(5) and (a)(6)—Maintenance of records

The recordkeeping burden under this section requires the maintenance of records, used to trace patients and the organization and indexing of records into identifiable files to ensure the device's continued safety and effectiveness. These records are required of all applicants who have an approved PMA.

PMAs have been required since 1976, and there are 556 active PMAs that could be subject to these requirements, based on actual FDA data, and approximately 25 new PMAs are approved every year. The aggregate burden for the estimated 600 PMA holders of approved original PMAs for the next few years is estimated to be 10,200 hours.

The applicant determines which records should be maintained during product development to document and/or substantiate the device's safety and effectiveness. Records required by the current good manufacturing practices for medical devices regulation (part 820) may be relevant to a PMA review and may be submitted as part of an application. In individual instances, records may be required as conditions of approval to ensure the device's continuing safety and effectiveness.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN[1]

Activity/21 CFR or FD&C act section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Research conducted outside the United States (814.15(b))	25	1	25	2	50
PMA application (814.20)	40	1	40	668	26,720
PMA amendments and resubmitted PMAs (814.37(a)–(c) and (e))	120	1	120	167	20,040
PMA supplements (814.39(a))	650	1	650	60	39,000
Special PMA supplement—changes being affected (814.39(d))	80	1	80	6	480
30-day notice (814.39(f))	1,500	1	1,500	16	24,000
Postapproval requirements (814.82(a)(9))	230	1	230	135	31,050
Periodic reports (814.84(b))	600	1	600	10	6,000
Agreement meeting (520(g)(7))	3	1	3	50	150
Expedited review request (515(d)(5) of the FD&C Act)	5	1	5	10	50
Determination Meeting (513(1)(3)(D) of the FD&C Act)	5	1	5	50	250
Panel meeting (515(c)(3) of the FD&C Act)	10	1	10	30	300
Day 100 meeting (515(d)(3) of the FD&C Act)	10	1	10	10	100
Total					148,190

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Maintenance of records (814.82(a)(5) and (a)(6))	600	1	600	17	10,200

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 16, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–17549 Filed 7–22–13; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0804]

Agency Information Collection Activities; Proposed Collection; Comment Request; Premarket Notification

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on medical device premarket notification.

DATES: Submit either electronic or written comments on the collection of information by September 23, 2013.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–5156, *daniel.gittleson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Premarket Notification—21 CFR Part 807, Subpart E (OMB Control Number 0910–0120)—Extension

Section 510(k) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360(k)) and the implementing regulation under part 807 (21 CFR part 807, subpart E) requires a person who intends to market a medical device to submit a premarket notification submission to FDA at least 90 days before proposing to begin the introduction, or delivery for introduction into interstate commerce, for commercial distribution of a device intended for human use. Based on the information provided in the notification, FDA must determine whether the new device is substantially equivalent to a legally marketed device, as defined in § 807.92(a)(3). If the device is determined to be not substantially equivalent to a legally marketed device, it must have an approved premarket approval application (PMA), Product Development Protocol, Humanitarian Device Exemption (HDE), Petition for Evaluation of Automatic Class III Designation (de novo), or be reclassified into class I or class II before being marketed. FDA makes the final decision of whether a device is substantially equivalent or not equivalent.

Section 807.81 states when a premarket notification is required. A premarket notification is required to be submitted by a person who is: (1) Introducing a device to the market for the first time; (2) introducing a device into commercial distribution for the first time by a person who is required to register; and (3) introducing or reintroducing a device which is significantly changed or modified in design, components, method of manufacturer, or the intended use that could affect the safety and effectiveness of the device.

Form FDA 3514, a summary cover sheet form, assists respondents in categorizing administrative 510(k) information for submission to FDA. This form also assists respondents in categorizing information for other FDA medical device programs such as PMAs, investigational device exemptions, and HDEs. Under § 807.87(h), each 510(k) submitter must include in the 510(k) either a summary of the information in the 510(k) as required by § 807.92 (510(k) summary) or a statement certifying that the submitter will make available upon request the information in the 510(k) with certain exceptions as per § 807.93 (510(k) statement). If the 510(k) submitter includes a 510(k) statement in the 510(k) submission, § 807.93 requires that the official correspondent of the firm make available within 30 days of a request all information included in the submitted premarket notification on safety and effectiveness. This information will be provided to any person within 30 days of a request if the device described in the 510(k) submission is determined to be substantially equivalent. The information provided will be a duplicate of the 510(k) submission including any safety and effectiveness information, but excluding all patient identifiers and trade secret and commercial confidential information.

Section 204 of the Food and Drug Administration Modernization Act (FDAMA) (Pub. L. 105–115) amended section 514 of the FD&C Act (21 U.S.C. 360d). Amended section 514 allows FDA to recognize consensus standards developed by international and national organizations for use in satisfying portions of device premarket review submissions including premarket notifications or other requirements. FDA has published and updated the list of recognized standards regularly since enactment of FDAMA and has allowed 510(k) submitters to certify conformance to recognized standards to meet the requirements of § 807.87. Form FDA 3654, the 510(k) Standards Data Form, standardizes the format for submitting information on consensus standards that a 510(k) submitter chooses to use as a portion of their premarket notification submission (Form FDA 3654 is not for declarations of conformance to a recognized standard). FDA believes that use of this form will simplify the 510(k) preparation and review process for 510(k).

Under § 807.90, submitters may request information on their 510(k) review status 90 days after the initial login date of the 510(k). Thereafter, the submitter may request status reports every 30 days following the initial status request. To obtain a 510(k) status report, the submitter should complete the status request form, Form FDA 3541, and fax it to the Center for Devices and Radiological Health office identified on the form.

The most likely respondents to this information collection will be specification developers and medical device manufacturers.

FDA estimates the burden of this collection of information as follows:

Activity/21 CFR part/section/form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
510(k) submission (807 subpart E)	3,900	1	3,900	79	308,100
Summary cover sheet (807.87) and FDA 3514	1,956	1	1,956	0.5 (30 minutes)	978
Status request (807.90(a)(3)) and FDA 3541	218	1	218	0.25 (15 minutes)	55
Standards (807.87(d) and (f)); FDA 3654	2,700	1	2,700	10	27,000
510(k) summary and statement (807.92 and 807.93)	225	10	2,250	10	22,500
Total					358,633

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 16, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–17554 Filed 7–22–13; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Food Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Food Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 23 and 24, 2013, from 8:30 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

Contact Person: Karen Strambler, Center for Food Safety and Applied Nutrition (CFSAN), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, *FoodAdvisoryCommittee@fda.hhs.gov,* 240–402–2589 or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On September 23 and 24, 2013, the Food Advisory Committee will meet to discuss detection signals for noteworthy chemical hazards in foods, dietary supplements, and cosmetics and consider possible sources of information, data on chemical hazards, and how CFSAN might recognize and best take advantage of those data.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before September 16, 2013. Oral presentations from the public will be scheduled between approximately 11 a.m. to 12 p.m. on September 24, 2013. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 26, 2013. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 9, 2013.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Karen Strambler at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 17, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–17599 Filed 7–22–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Cellular, Tissue and Gene Therapies Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Cellular, Tissue and Gene Therapies Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 22, 2013, from 8 a.m. to 5:30 p.m. and October 23, 2013, from 8 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

Contact Person: Gail Dapolito or Rosanna Harvey, Food and Drug Administration, Center for Biologics Evaluation and Research, 1401 Rockville Pike, HFM–71, Rockville, MD 20852, 301–827–1289 or 301–827–1297, email: *Gail.Dapolito@fda.hhs.gov* or *Rosanna.Harvey@fda.hhs.gov* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On October 22, 2013, from 8 a.m. to 5:30 p.m., and on October 23, 2013, from 8 a.m. to approximately 11:15 a.m., the Committee will discuss oocyte modification in assisted reproduction for the prevention of transmission of mitochondrial disease or treatment of infertility. On October 23, 2013, from approximately 11:15 a.m. to 11:30 a.m., the Committee will hear updates on guidance documents issued from the Office of Cellular, Tissue and Gene Therapies, Center for Biologics Evaluation and Research (CBER), FDA. On October 23, 2013, from 12:30 p.m. to approximately 5 p.m. the Committee will discuss considerations for the design of early-phase clinical trials of cellular and gene therapy products. CBER is planning to publish guidance on this topic during calendar year 2013.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before October 15, 2013. Oral presentations from the public will be scheduled between approximately 2:15 p.m. and 3:15 p.m. on October 22, 2013, and between approximately 1:15 p.m. and 1:45 p.m. on October 23, 2013. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 7, 2013. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 8, 2013.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Gail Dapolito (*gail.dapolito@fda.hhs.gov*) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 17, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–17600 Filed 7–22–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Agency Information Collection Activities; Proposed Collection; Comment Request: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, National Institute of Neurological Disorders and Stroke (NINDS)

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the National Institute of Neurological Disorders (NINDS) has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.).

DATES: Comments must be submitted within 30 days after publication in the **Federal Register**.

ADDRESSES: Written comments may be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: NIH Desk Officer, by Email to *OIRA_submission@omb.eop.gov,* or by fax to 202–395–6974.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact: Paul Scott, Ph.D., Director, Office of Science Policy and Planning, NINDS, 31/8A03 Center Drive, Bethesda, MD 20892–2178, or Email your request, including your address to *scottp@ninds.nih.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are 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. These collections 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.

Feedback collected under this generic clearance will provide useful information, but it will 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 non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the 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.

No comments were received in response to the 60-day notice published in the **Federal Register** of December 22, 2010 (75 FR 80542).

Below we provide NINDS's projected average estimates for the next three years:

Current Actions: New collection of information.

Type of Review: New Collection.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of activities: 6.

Respondents: 14,700.

Annual responses: 24,700.

Frequency of Response: Once per request for 5 activities, twice per request for 1 activity.

Average minutes per response: 57.

Burden hours: 5750.

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 Office of Management and Budget control number.

Dated: July 16, 2013.

Story Landis,

Director, National Institute of Neurological Disorders and Stroke, National Institutes of Health.

[FR Doc. 2013–17646 Filed 7–22–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-day Comment Request: Financial Sustainability of Human Tissue Biobanking (NCI)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on May 7, 2013, Vol. 78, p. 26639 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Cancer Institute (NCI), 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: NIH Desk Officer.

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 or request more information on the proposed project contact: Jim Vaught, Chief, Biorepositories and Biospecimen Research Branch, Cancer Diagnosis Program, 9609 Medical Center Drive, Rockville, MD 20892 or call non-toll-free number 240–276–5716 or Email your request, including your address to: *vaughtj@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Financial Sustainability of Human Tissue Biobanking, 0925–NEW, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of this web-based survey is to collect information regarding the challenges that human tissue biobanks encounter in achieving financially sustainable operations. The information will be used to assist the National Cancer Institute (NCI) in strategizing program plans to provide increased and tailored support for national and international biobanks. The survey will collect a combination of structured, quantitative, and free-text descriptive data that characterize the type and maturity of respondent biobanks, their sources of funding, and their usage of funding in conducting operations. The survey will also collect information describing the difficulties in maintaining funding sources and establishing new ones. Finally, the survey will elicit descriptions of techniques used to overcome the difficulties.

It is expected that the information generated by this survey will be used to inform published guidance to biobanks regarding the financial hazards to sustained operations and the means by which these hazards can be avoided or overcome.

OMB approval is requested for 1 year. There are no costs to respondents other than their time. The total estimated annualized burden hours are 822.

ESTIMATES OF ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Biobanks (Private Sector)	548	1	90/60	822

Dated: July 17, 2013.

Vivian Horovitch-Kelley,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2013–17642 Filed 7–22–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request: Application for the Postdoctoral Research Associate Program

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 National Institute of General Medical Sciences (NIGMS), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and for Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing or request more information on the proposed project, contact Ms. Tammy Dean-Maxwell, NIGMS, NIH, Natcher Building, Room 3AN.44, 45 Center Drive, MSC 6200, Bethesda, MD 20892–6200, or call non-toll-free number 301–594–2755 or email your request, including your address to: *deanmat@mail.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Proposed Collection: Application for the Postdoctoral Research Associate Program, (NIGMS) Extension of a currently approved collection, OMB No. 0925–0378, expiration date September 30, 2013. *Form Numbers:* NIH 2721–1, NIH 2721–2.

Need and Use of Information Collection: The Postdoctoral Research Associate (PRAT) Program will use the applicant and referee information to award opportunities for training and experience in laboratory or clinical investigation to individuals with an appropriate terminal degree who are seeking training in an NIGMS designated emerging area of science, through appointments as PRAT Fellows at the National Institutes of Health or the Food and Drug Administration. The goal of the program is to develop leaders in designated emerging areas of biomedical research for key positions in academic, industrial, and Federal research laboratories. *Frequency of Response:* Once a year. *Affected Public:* Individuals or households; businesses or other for-profit. *Type of Respondents:* Applicants and referees.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 331.

ESTIMATED ANNUALIZED BURDEN TABLE

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
PRAT Primary Application (NIH 2721–1)	Applicants	25	1	8	200
PRAT Request for Evaluation Form (NIH 2721–2)	Referee	75	1	105/60	131

Dated: July 17, 2013.

Sally Lee,

Executive Officer, National Institute of General Medical Sciences, National Institutes of Health.

[FR Doc. 2013–17645 Filed 7–22–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB review; 30-day Comment Request: National Cancer Institute (NCI) Cancer Nanotechnology Platform Partnership Scientific Progress Reports

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, 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 May 13, Vol. 78, p. 27974 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Cancer Institute (NCI), 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: NIH Desk Officer.

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: To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: Dorothy Farrell, Center for Strategic Scientific Initiatives, Office of Cancer Nanotechnology Research, National Cancer Institute, 31 Center Drive, Bldg. 31 A, Rm. 10A52, Bethesda, MD 20892 or call non-toll-free number 301–496–5652 or Email your request, including your address to: *farrelld@mail.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: National Cancer Institute (NCI) Alliance for Nanotechnology in Cancer Platform Partnership Scientific Progress Reports, 0925–NEW, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: National Institutes of Health grantees are required to submit interim and final progress reports and other post-award documents associated with the monitoring, oversight, and closeout of an award. This submission represents a request for OMB to approve new program specific progress report guidelines for Cancer Nanotechnology Platform Partnerships (CNPP) awarded by the National Cancer Institute (NCI). The CNPPs are part of the Alliance for Nanotechnology in Cancer, a network of awards funded by NCI to promote the application of nanotechnology to cancer research and care. The proposed guidelines request information about award performance related to trans-Alliance collaboration, scientific milestones, progress towards clinical translation and technology commercialization, and education and outreach efforts. The report also gathers information on leveraged funding, patents and publications. The information is gathered every six months. This information is needed to monitor the performance of this special program within NCI, funded through Requests for Applications (RFA CA–09–013, released May 29, 2009) using the cooperative agreement mechanism (U01). The information will be used to monitor individual award performance and the effectiveness of the program as a whole. The respondents are the Principal Investigators of the awards, along with their institutional business officials. The awards are administered by and the reports reviewed by the Office of Cancer Nanotechnology Research (OCNR), part of the Center for Strategic Scientific Initiatives within NCI.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The estimated annualized burden hours are 72.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
Principal Investigators	12	2	3	72

Dated: July 15, 2013.

Vivian Horovitch-Kelley,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2013–17644 Filed 7–22–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2013–0016]

Agency Information Collection Activities: Office of Biometric Identity Management (OBIM) Biometric Data Collection at the Ports of Entry

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 30-Day notice and request for comments; Extension, without change, of a currently approved collection.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), formerly the United States Visitor and Immigrant Status Indicator Technology (US–VISIT) Program, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). NPPD is soliciting comments

concerning this biometric data collection at the ports of entry. DHS previously published this ICR in the **Federal Register** on April 15, 2013, for a 60-day public comment period. DHS received three comments in response to that notice. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until August 22, 2013. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to OMB Desk Officer, Department of Homeland Security, Office of Civil Rights and Civil Liberties. Comments must be identified by DHS–2010–0016 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Email: oira_submission@omb.eop.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 395–5806

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.

OMB is particularly interested in comments that:

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 submissions of responses.

FOR FURTHER INFORMATION CONTACT: Steven P. Yonkers, DHS/NPPD/OBIM, *Steve.Yonkers@dhs.gov.*

SUPPLEMENTARY INFORMATION: DHS established OBIM, formerly the US–VISIT Program, to meet specific legislative mandates intended to strengthen border security, address critical needs in terms of providing decision-makers with critical information, and demonstrate progress toward performance goals for national security, expediting of trade and travel, and supporting immigration system improvements. DHS collects and disseminates biometric information (digital fingerprint images and facial photos) from individuals during their entry into the United States. This information is disseminated to specific DHS Components; other Federal agencies; Federal, state, and local law enforcement agencies; and the Intelligence Community to assist in the decisions they make related to, and in support of, the homeland security mission. Beginning on December 10, 2007, US–VISIT expanded the collection of fingerprints from two prints to ten. The new collection time of 35 seconds, an increase from the previous 15 seconds, is a result of this change, and includes officer instructions. Additionally, DHS published a final rule, entitled ''United States Visitor and Immigrant Status Indicator Technology Program (US–VISIT); Enrollment of Additional Aliens in US–VISIT; Authority To Collect Biometric Data From Additional Travelers and Expansion to the 50 Most Highly Trafficked Land Border Ports of Entry,'' which became effective on January 18, 2009, and expanded the population of aliens subject to the requirement of having to provide biometrics in connection with their admission to the United States. *See* 73 FR 77473 (Dec. 19, 2008).

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Biometric Identity Management.

Title: Office of Biometric Identity Management (OBIM) Biometric Data Collection at the Ports of Entry.

OMB Number: 1600–0006.

Frequency: One-time collection.

Affected Public: Foreign visitors and immigrants into the United States.

Number of Respondents: 156,732,422.

Estimated Time Per Respondent: 35 seconds.

Total Burden Hours: 1,520,304 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $63,853,000.

Total Burden Cost (operating/maintaining): $63,853,000.

Dated: June 17, 2013.

Scott Libby,

Deputy Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2013–17579 Filed 7–22–13; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0455]

Availability of Draft Environmental Impact Statement for the Proposed Construction of a Highway Bridge Across the Manatee River at Parrish, Manatee County, FL; Correction

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments; notice of public meeting; correction.

SUMMARY: The comment period end date listed for the Manatee River Draft Environmental Impact Statement published in the **Federal Register** on July 5, 2013, was incorrect. This notice inserts the correct ending date for the comment period.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before August 19, 2013, or reach the Docket Management Facility by that date.

A public meeting will be held on August 7, 2013, from 4 p.m. until 6:30 p.m. If you wish to request an oral or sign language interpreter, we must receive your request for one by July 28, 2013.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0455 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov*

(2) *Fax:* 202–493–2251.

(3) *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.

(4) *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.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for

Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

We have provided a copy of the DEIS in our online docket at *http://www.regulations.gov.* Also, the following locations will maintain a printed copy of the DEIS for public review:

- Coast Guard Seventh District Bridge Office at 909 SE 1st Avenue, Brickell Plaza Federal Building, Ste 432, Miami, Florida, 33131. The document will be available at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.
- Manatee County Chamber of Commerce at 4215 Concept Court, Lakewood Ranch, Florida, 34211. Call 941–748–3411 for hours of operation.
- Manatee County Central Library at 1301 Barcarrota Blvd. West, Bradenton, Florida, 34205. Call 941–748–5555 for hours of operation.
- Manatee County Rocky Bluff Library at 6750 US 301 North, Ellenton, Florida, 34222. Call 941–723–4821 for hours of operation.

The public meeting on August 7, 2013, will be held at the Manatee County Civic Center (also known as the Bradenton Area Convention Center), 1 Haben Blvd., Palmetto, Florida, 34221.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or the public meeting, call or email Randall Overton, Bridge Management Specialist, Seventh Coast Guard District, U.S. Coast Guard; telephone 305–415–6736, email *Randall.D.Overton@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to submit comments and related material on the DEIS and the proposed project's impact on river navigation. All comments received, including comments received at the public meeting, will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting comments: If you submit a comment, please include the docket number for this notice (USCG–2010–0455) and provide a reason for each suggestion or recommendation. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* and follow the instructions on that Web site. 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 document based on your comments.

Viewing the comments and the DEIS: To view the comments and DEIS go to *http://www.regulations.gov,* insert (USCG–2010–0455) in the SEARCH box and follow the instructions on that Web site. If you do not have access to the internet, you may view the docket by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility. The DEIS is also available online at *http://www.uscg.mil/hq/cg5/cg551/CGLeadProjects.asp* and is available for inspection at the Seventh Coast Guard District address given under **ADDRESSES**.

Copies of all written communications from the public meeting will be available for review by interested persons after the meeting on the online docket, USCG–2010–0455 via *http://www.regulations.gov.*

A transcript of the meeting will be available for public review approximately 30 days after the meeting. All comments will be made part of the official case record.

Privacy Act: Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act, system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Correction to Federal Register Notice

In the July 5, 2013, edition of the **Federal Register**, the Coast Guard published a notice titled, ''Availability of Draft Environmental Impact Statement for the Proposed Construction of a Highway Bridge Across the Manatee River at Parrish, Manatee County, FL'' (78 FR 40488). The Coast Guard is correcting the end date of the comment period to align with the Environmental Protection Agency's notice announcing the comment period for the availability of this draft environmental impact statement (78 FR 40474). Although documents located in the docket for this notice may list the closing date for this comment period as August 18, 2013, the Coast Guard is accepting comments until August 19, 2013.

This notice is issued under authority of the General Bridge Act of 1946 (33 U.S.C. 525–533), 6 U.S.C. 468, DHS Delegation No. 0170.1, the National Historic Preservation Act (NHPA), as amended (16 U.S.C. 470 et seq.) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), Department of Homeland Security Directive 023–01, and Coast Guard Commandant Instruction M16475.1D.

Dated: July 17, 2013.

Brian L. Dunn,

Administrator, Office of Bridge Programs, U.S. Coast Guard.

[FR Doc. 2013–17603 Filed 7–22–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2013–0339]

National Environmental Policy Act; Implementing Procedures; Addition of Categorical Exclusion for Real Property Disposal

AGENCY: Coast Guard, DHS.

ACTION: Notice of the addition of one new categorical exclusion to the United States Coast Guard and Department of Homeland Security NEPA implementing procedures.

SUMMARY: This notice announces the addition of a new Categorical Exclusion (CATEX) for Real Property Disposal under the National Environmental Policy Act (NEPA). This CATEX amends the United States Coast Guard and Department of Homeland Security NEPA implementing procedures by establishing a new CATEX for real property disposal undertaken by the United States Coast Guard. With this CATEX, the Coast Guard will be able to

dispose of real property under certain authorities without preparing an environmental assessment or environmental impact statement.

DATES: The categorical exclusion is effective July 23, 2013.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the new categorical exclusion contact Ms. Kebby Kelly, Office of Environmental Management (CG–47), U.S. Coast Guard; telephone 202–475–5690, email: *Kebby.Kelley@uscg.mil.*

Viewing the supporting material: To view the supporting material for the establishment of this CATEX, go to *http://www.regulations.gov*, and follow the instructions on that Web site. If you do not have access to the internet, you may view the docket by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Coast Guard has an agreement with the Department of Transportation to use the Docket Management Facility.

SUPPLEMENTARY INFORMATION:

Background

DHS and the Coast Guard determined that a new Categorical Exclusion (CATEX) for real property disposal was needed to cover two new real property disposal authorities that are specific to the Coast Guard. The use of this new CATEX within DHS will be limited to USCG real property disposal activities. In the past, the Coast Guard exclusively used the process established by the General Services Administration (GSA) to dispose of excess real property, unless specifically directed otherwise by Congress. Because the Coast Guard previously worked through the GSA for real property disposal, the GSA was able to use its CATEX to fulfill obligations under the National Environmental Policy Act (NEPA). Recently, Congress passed two pieces of legislation that directly authorize the Department of Homeland Security (DHS) and the Coast Guard to dispose of real property through sale and keep the proceeds for use in specific Coast Guard programs.

Specifically, the Coast Guard has been granted authority to dispose of property previously used for Long Range Navigation (Loran-C) equipment. The Coast Guard has also been granted the authority to dispose of real property in order to pay for military family and military unaccompanied housing projects. The Coast Guard now adds a CATEX that contains the same language as the GSA's CATEX that will allow the Coast Guard to satisfy its NEPA obligations when disposing of excess real property.

The Department of Homeland Security Appropriations Act, 2010 (Pub. L. 111–83), authorizes the Coast Guard to sell any real and personal property under the administrative control of the Coast Guard and used for the Loran-C system, by directing the Administrator of GSA to sell such real and personal property. This is allowed, provided that the proceeds, less the costs of sale incurred by the GSA, shall be deposited as offsetting collections into the ''Coast Guard Environmental Compliance and Restoration'' account and, subject to appropriation, shall be available until expended for environmental compliance and restoration purposes associated with the Loran-C system.

Additionally, Congress passed 14 U.S.C. 685, Conveyance of Real Property (January 7, 2011), which states that notwithstanding any other provision of law, the Secretary of the respective department in which the Coast Guard is operating (Secretary) may convey, at fair market value, real property, owned or under the administrative control of the Coast Guard, for the purpose of expending the proceeds from such conveyance to acquire and construct military family housing and military unaccompanied housing. The conveyance of real property under this section shall be by sale, for cash. The Secretary shall deposit the proceeds from the sale in the Coast Guard Housing Fund.

The Council on Environmental Quality (CEQ) guidance entitled, ''Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act'' (February 18, 2010) encourages agencies to establish new CATEXs and revise existing CATEXs to eliminate unnecessary paperwork and effort reviewing the environmental effects of categories of actions that, absent extraordinary circumstances, do not have significant environmental effects. Without this CATEX for real property disposal, DHS and the Coast Guard would have to prepare an Environmental Assessment for every action of this type, including those that experience has shown do not typically have the potential for significant environmental impacts. Therefore, DHS and the Coast Guard now add this new real property disposal CATEX for these types of actions that experience has shown do not have significant environmental impacts in order to carry out the Coast Guard's new legislative authorities in a timely and efficient manner.

The CEQ guidance also states that when substantiating a new or revised CATEX, agencies can draw on several sources of supporting information. These sources include professional staff and expert opinion and benchmarking other agencies' experiences. Through a review of other agencies' NEPA procedures, the Coast Guard and DHS found that numerous other Federal agencies have CATEXs for real property disposal activities that are sufficiently descriptive of the activity as to establish that those activities were similar in nature, scope, and impact on the human environment as those real property disposals that will be performed by the Coast Guard. In addition, all Federal agencies, with very few exceptions, must meet the same requirements to protect the environment.

Particular agency CATEXs examined by the Coast Guard include those used by the GSA and the Department of the Army. DHS also received expert opinions from NEPA practitioners at GSA and the Department of the Army that support this new CATEX for the disposal of real property (including facilities) by the Coast Guard. Descriptions of the other agency CATEXs (with hyperlinks) and expert opinions obtained are provided in the administrative record available at *http://www.regulations.gov* by searching docket number USCG–2013–0339.

A **Federal Register** notice of availability and request for comments was published on May 17, 2013 (78 FR 29145). No comments were received by the end of the comment period on June 17, 2013. To view documents online relating to this categorical exclusion, go to *http://www.regulations.gov*, insert (USCG–2013–0339) in the Search box, then click on the ''Open Docket Folder'' option. If you do not have access to the internet, you may view the docket by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Coast Guard has an agreement with the Department of Transportation to use the Docket Management Facility.

Categorical Exclusion

The following Coast Guard-specific CATEX is added to the existing list of CATEXs published in Coast Guard Commandant Instruction 16475.1D, National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts,

and in the DHS Environmental Planning Program Directive 023–01 (71 FR 16790):

* Disposal of real property (including facilities) by the USCG where the reasonably foreseeable use will not change significantly or where the reasonably foreseeable use is similar to existing surrounding properties (e.g. commercial store in a commercial strip, warehouse in an urban complex, office building in downtown area, row house or vacant lot in an urban area).

The asterisk (*) indicates application of this CATEX requires the completion of an environmental review of the proposed disposal action documented in a Record of Environmental Consideration to ensure extraordinary circumstances have been appropriately considered. The availability of this CATEX does not exempt the applicability of other environmental requirements such as, but not limited to, section 7 of the Endangered Species Act, section 106 of the National Historic Preservation Act, and the Migratory Bird Treaty Act. These requirements must be met regardless of the applicability of this CATEX under NEPA.

This notice is issued under authority of: 5 U.S.C. 552(a); 42 U.S.C. 4321 et seq.; 40 CFR 1500–1508; Department of Homeland Security Directive 023–01 Environmental Planning Program; and United States Coast Guard Commandant Instruction M16475.1D, National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts.

Dated: July 17, 2013.

Albert Curry,

U.S. Coast Guard, Acting Assistant Commandant for Engineering and Logistics, Commandant (CG–4d).

[FR Doc. 2013–17702 Filed 7–22–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Approval From OMB of One New Public Collection of Information: TSA Pre™ Trusted Traveler Program

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on a new Information Collection Request (ICR) abstracted below that we will submit to the Office of Management and Budget (OMB) for approval in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of biographic and biometric information by individuals seeking to enroll in the TSA Pre™ Trusted Traveler Program.

DATES: Send your comments by September 23, 2013.

ADDRESSES: Comments may be emailed to *TSAPRA@dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Susan L. Perkins at the above address, or by telephone (571) 227–3398.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Purpose and Description of Data Collection

The Transportation Security Administration (TSA) is implementing the TSA Pre™ Trusted Traveler Program pursuant to its authority under section 109(a)(3) of the Aviation and Transportation Security Act (ATSA), Public Law 107–71 (115 Stat. 597, 613, Nov. 19, 2001, codified at 49 U.S.C. 114 note). That section authorizes TSA to ''[e]stablish requirements to implement trusted passenger programs and use available technologies to expedite security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.'' In addition, the DHS Appropriations Act, 2006, Public Law 109–90 (119 Stat. 2064, 2088–89, Oct. 18, 2005), authorizes TSA to establish and collect a fee for any registered traveler program by publication of a notice in the **Federal Register**.

Under the TSA Pre™ Trusted Traveler Program, individuals may submit information to TSA, which in turn will use the information to conduct a security threat assessment of the individual using existing systems and processes. For those individuals who meet the standards of that assessment, TSA will issue a unique number, called a Known Traveler Number,[1] which individuals may submit to airlines when making flight reservations. Airline passengers who submit Known Traveler Numbers when making airline reservations are eligible for expedited screening on flights originating from U.S. airports with TSA Pre™ lanes.[2]

TSA seeks to establish enrollment sites and implement a mobile enrollment capability. Those seeking to become a TSA Pre™ Trusted Traveler Program member will have the option to apply online by submitting biographic information and paying the fee using a secure web portal (or by money order at an enrollment center) to TSA's contracted vendor. Applicants then will submit biometric data (*e.g.,* fingerprints) in-person at an enrollment center.

Eligibility for the TSA Pre™ Trusted Traveler Program is within the sole discretion of TSA, which will notify applicants who are denied eligibility in writing of the reasons for the denial. If initially deemed ineligible, applicants will have an opportunity to correct cases of misidentification or inaccurate criminal or immigration records. Consistent with 28 CFR 50.12 in cases

[1] The Known Traveler Number is a component of Secure Flight Passenger Data (SFPD), both of which are defined in the Secure Flight regulations at 49 CFR 1560.3. *See also* the Secure Flight regulations at 49 CFR part 1560.

[2] Passengers who are eligible for expedited screening through a dedicated TSA Pre™ lane typically will receive more limited physical screening, *e.g.,* will be able to leave on their shoes, light outerwear, and belt, to keep their laptop in its case, and to keep their 3–1–1 compliant liquids/gels bag in a carry-on. TSA Pre™ lanes are available at 40 airports nationwide, with additional expansion planned. *See* ''TSA Pre™ Now Available at 40 Airports Nationwide: Expedited Screening Begins at Raleigh-Durham International Airport,'' *http://www.tsa.gov/press/releases/2013/03/28/tsa-pre%E2%9C%93%E2%84%A2-now-available-40-airports-nationwide-expedited-screening-begins.*

involving criminal records, and before making a final eligibility decision, TSA will advise the applicant that the FBI criminal record discloses information that would disqualify him or her from the TSA Pre™ Trusted Traveler Program.

Within 30 days after being advised that the criminal record received from the FBI discloses a disqualifying criminal offense, the applicant must notify TSA in writing of his or her intent to correct any information he or she believes to be inaccurate. The applicant must provide a certified revised record, or the appropriate court must forward a certified true copy of the information, prior to TSA approving eligibility of the applicant for the TSA Pre™ Trusted Traveler Program. With respect to immigration records, within 30 days after being advised that the immigration records indicate that the applicant is ineligible for the TSA Pre™ Trusted Traveler Program, the applicant must notify TSA in writing of his or her intent to correct any information believed to be inaccurate. TSA will review any information submitted and make a final decision. If neither notification nor a corrected record is received by TSA, TSA may make a final determination to deny eligibility. Individuals who TSA determines are ineligible for the TSA Pre™ Trusted Traveler Program will continue to be screened at airport security checkpoints in the same manner as they would have been had they not applied for the program.

The TSA Pre™ Trusted Traveler Program will enhance aviation security by permitting TSA to better focus its limited security resources on passengers who are more likely to pose a threat to civil aviation, while also facilitating and improving the commercial aviation travel experience for the public. Travelers who choose not to enroll in this initiative are not subject to any limitations on their travel because of their choice; they will be processed through normal TSA screening before entering the sterile areas of airports. TSA also retains the authority to perform random screening on TSA Pre™ Trusted Traveler Program members and any other travelers authorized for expedited physical screening.

For the initial six months of the program, TSA intends to pilot a limited number of enrollment sites and then add additional locations over time; TSA estimates approximately 88,111 respondents will participate in the pilot. Assuming full program rollout following the pilot phase, TSA estimates in the first year following the pilot there will be approximately 383,131 respondents. TSA estimates the total burden to be 27,466 hours for the pilot, and 119,430 hours in the year following the pilot.

TSA will establish a TSA Pre™ Trusted Traveler Program Fee of $85.00 for the TSA Pre™ Trusted Traveler Program. This fee will be collected to fund selected activities of the program. As described above, the DHS Appropriations Act of 2006 permits TSA to impose fees for the TSA Pre™ Trusted Traveler Program by notice. This notice will be published separately in the **Federal Register**.

Dated: June 16, 2013.

Joanna Johnson,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2013–17541 Filed 7–22–13; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0014]

Agency Information Collection Activities: Affidavit of Support, Form I–134; Extension, Without Change, 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 September 23, 2013.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0014 in the subject box, the agency name and Docket ID USCIS–2006–0072. 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–2006–0072;

(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:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Affidavit of Support.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–134; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This information collection is necessary to determine if at the time of application into the United States, the applicant is likely to become a public charge.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 18,460 responses at 90 minutes (1.5 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 27,690.

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: July 17, 2013.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2013–17572 Filed 7–22–13; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE)

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

ACTION: General notice.

SUMMARY: This document announces U.S. Customs and Border Protection's (CBP's) plan to modify the National Customs Automation Program (NCAP) tests concerning document imaging, known as the Document Image System (DIS) test, and entry capability, known as the Simplified Entry (SE) test. The DIS test allows certain Automated Commercial Environment (ACE) participants to submit electronic images of a specific set of CBP and partner government agency forms and supporting information to CBP via a CBP- approved Electronic Data Interchange (EDI). The second phase of the DIS test expands the eligible forms supported by the test as well as participant eligibility and when forms may be transmitted. CBP hopes that these modifications make the DIS more user-friendly. The SE test simplifies the entry process by reducing the number of data elements required to obtain release for cargo transported by air. This notice modifies the SE test to allow for certain data elements to be transmitted via the DIS. This notice provides DIS test details including commencement date for the second phase, eligibility, procedural and documentation requirements, and test development and evaluation methods.

DATES: The modified DIS test will commence no earlier than July 23, 2013 and will continue until concluded by way of announcement in the **Federal Register**. Comments concerning this notice and any aspect of the test may be submitted at any time during the test to the address set forth below.

ADDRESSES: Comments concerning this notice should be submitted via email to Monica Crockett at *ESARinfoinbox@cbp.dhs.gov.* In the subject line of your email, please indicate *''Comment on Document Image System (DIS)''.*

FOR FURTHER INFORMATION CONTACT: For policy-related questions, contact Monica Crockett at *monica.v.crockett@cbp.dhs.gov.* For technical questions related to ABI transmissions, contact your assigned client representative. Any partner government agency (PGA) interested in participating in DIS should contact Susan Dyszel at *susan.dyszel@cbp.dhs.gov.* Interested parties without an assigned client representative should direct their questions to Susan Maskell at *susan.c.maskell@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

On April 6, 2012, U.S. Customs and Border Protection (CBP) published in the **Federal Register** a notice announcing a National Customs Automation Program (NCAP) test called the Document Image System (DIS) test. *See* 77 FR 20835. The DIS test allows certain Automated Commercial Environment (ACE) participants to submit electronic images of a specific set of CBP and partner government agency (PGA, previously referred to as participating government agency) forms and supporting information to CBP. Specifically, importers and brokers are allowed to submit specified official CBP documents and specified PGA forms via a CBP-approved Electronic Data Interchange (EDI) (please see *Section V,* ''*Technical Specifications,*'' below for details).

On November 8, 2011, CBP published in the **Federal Register** a notice announcing an NCAP test concerning ACE Simplified Entry (SE test). *See* 76 FR 69755. The SE test established new entry capability to simplify the entry process for cargo transported by air by reducing the number of data elements required to obtain release. This data fulfills merchandise entry requirements which allow for earlier release decisions and more certainty for the importer in determining the logistics of cargo delivery. The SE test is currently open to Type 01 and Type 11 consumption entries filed in the air transportation mode only. This notice modifies the SE test to allow supporting documents to be transmitted through the DIS.

The NCAP was established in Subtitle B of Title VI—Customs Modernization, in the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057, 2170, December 8, 1993) (Customs Modernization Act). *See* 19 U.S.C. 1411. Through NCAP, the initial thrust of customs modernization was on trade compliance and the development of ACE, the planned successor to the Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for CBP and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions. CBP's modernization efforts are accomplished through phased releases of ACE component functionality designed to introduce new functionality or to replace a specific legacy ACS function. Each release will begin with a test and will end with mandatory compliance with the new ACE feature, thus retiring the legacy ACS function. Each release builds on

previous releases and sets the foundation for subsequent releases.

ACE prototypes are tested in accordance with § 101.9(b) of title 19 of the Code of Federal Regulations (19 CFR 101.9(b)), which provides for the testing of NCAP components including ACE. For the convenience of the public, a chronological listing of **Federal Register** publications detailing ACE test developments in Entry, Summary, Accounts and Revenue (ESAR) is set forth below in *Section VI,* entitled, ''*Development of ACE Prototypes.*'' The procedures and criteria related to participation in the prior ACE tests remain in effect unless otherwise explicitly changed by this or subsequent notices published in the **Federal Register**.

Authorization for the Test

The Customs Modernization provisions in the North American Free Trade Agreement Implementation Act provide the Commissioner of CBP with authority to conduct limited test programs or procedures designed to evaluate planned components of the NCAP. This test is authorized pursuant to § 101.9(b) of the CBP Regulations (19 CFR 101.9(b)) which provides for the testing of NCAP programs or procedures. *See* Treasury Decision (T.D.) 95–21.

Document Image System (DIS) Test Program

This notice announces Phase Two of the Document Image System test. Under the DIS test, parties who file entry summaries in ACE are allowed to submit specified CBP and PGA documents via a CBP-approved EDI. DIS capabilities are being delivered in multiple phases. This notice also modifies the SE test to allow supporting documents to be transmitted through the DIS.

The first phase enabled participating importers and brokers to transmit images of specified CBP and PGA forms with supporting information via a CBP-approved EDI in an Extensible Markup Language (XML) format, in lieu of conventional paper methods. DIS provides for the storage of all submitted documents in a secure centralized location for the maintenance of associations with ACE entry summary transactions. Authorized CBP and PGA users have the ability to access document images submitted by trade participants via a user interface, which allows CBP and PGA users to select specific documents for review, to change the status of documents, and to add comments based on the current state of their review. The interface also allows the document image to be downloaded or printed, if necessary.

In Phase Two, CBP is reducing the number of metadata elements required for each document to only those necessary to identify the transmitter, the document preparer, the CBP request (if applicable), the document and description, and associated transaction. Certain forms, specifically identified below, will be allowed to be submitted earlier, i.e. at the time of manifest, or transmitted via a CBP- approved EDI to support Simplified Entry (SE) filings and additional forms (listed in ''*Section III*'' of this notice) will be accepted. Transmission of annual permits, certificates, and licenses will be allowed in later stages of the test. Finally, the pool of eligible participants is expanded to include software providers merely transmitting electronically data received for transmission to CBP.

Test Participation

I. Eligibility Requirements

In Phase One of the DIS test, participation was limited to importers or brokers who are ACE entry summary filers. Phase Two of the DIS test expands the eligible participant pool to include software providers merely transmitting electronically data received for transmission to CBP. This eligibility expansion does not apply to the SE test. Only the participants previously selected for the SE test are eligible to transmit documents in support of SE filings. Interested participants should contact their client representative for additional information pertaining to participation in this test. Interested companies that do not currently have an assigned client representative should submit a Letter of Intent expressing their intent to participate in the DIS test so that client representatives can be assigned. Instructions for the preparation of the Letter of Intent can be found on the CBP Web site at: *http://www.cbp.gov/xp/cgov/trade/automated/automated_systems/abi/getting_started/getting_started.xml.*

II. Rules for Submitting Images in Document Image System (DIS)

The following rules will apply to all participants involved in the DIS testing process:

- The documents that may be transmitted in DIS are broken into two categories: (1) Documents that require a request from CBP or the partner government agency (PGA) prior to transmission; and (2) documents that may be transmitted without prior request.
  - The documents that may only be transmitted in response to a request from CBP or a PGA include: documents in response to a request for entry summary documentation; documents in response to a request for release documentation for certified ACE entry summaries; and documents required for Simplified Entry. If a document in this category is submitted that has not been requested by CBP or a PGA, a warning message will be returned indicating that the transaction for which the document was submitted does not have any pending document requests made by CBP or a PGA. CBP will not review or retain any document submitted that results in a warning message.
  - The documents that may be transmitted without prior request from CBP or a PGA include: PGA forms and invoices/packing lists that are associated with ACE entry summaries certified for cargo release; documents transmitted at the time of manifest; and annual permits, certificates, and licenses. Any document transmitted without prior request from CBP or a PGA requires that the document name and transaction be provided at the time of transmission.
- The filer may only file documents that CBP can accept electronically (see documents supported in *Section III* below). If CBP cannot accept the information electronically, the filer must file the information by paper.
- Original documents transmitted via this test must be retained and made available, if requested by CBP or a PGA.

III. Documents Supported in the Second Phase of the Test

The documents supported in the first test phase continue to be supported in the second test phase (please note that Phytosanitary Certificates and Ingredients Lists were incorrectly identified as agency specific APHIS forms in the DIS test notice of April 2012; however, these are general forms that may now be transmitted at the time of manifest. See below in *Section III*).

In addition, upon commencement of Phase Two of the DIS test, the following PGA forms and documents will also be supported:

- Center for Disease Control and Prevention (CDC) Form 0728, *Permit to Import or Transfer Etiological Agents or Vectors of Human Disease*
- CDC *Importation Permission Letter*
- CDC *Permit Exemption Letter*
- Defense Contract Management Agency (DCMA) *Certificate of Duty Free Entry*
- Food Safety and Inspection Service (FSIS) Form 9010–1, *Application for the Return of Exported Products to the United States*

• FSIS Form 9060–5, *Meat and Poultry Export Certificate of Wholesomeness*

• FSIS Form 9540–4, *Shipper Notification—Importation of Undenatured Inedible Meat Product*

• FSIS Form 9540–5, *Notification of Intent* (to import meat, poultry, or egg products or ''Samples for Laboratory Examination, Research, Evaluative Testing or Trade Show Exhibition'')

Upon commencement of Phase Two of the test, the following Phase One forms may now be transmitted via a CBP-approved EDI earlier, i.e. at the time of manifest (at the time of submission of the bill of lading, as applicable):

• Animal and Plant Health Inspection Service (APHIS) documents:

▪ Plant Protection and Quarantine (PPQ) Form 368, *Notice of Arrival* (of a restricted article at the port of entry)

▪ PPQ Form 587, *Permit to Import Plants or Plant Products*

▪ PPQ Form 586, *Application for Permit To Transit Plants and/or Plant Products, Plant Pests, and/or Associated Soil Through The United States*

▪ PPQ Form 203, *Foreign Site Certificate of Inspection and/or Treatment*

• General documents:

▪ Phytosanitary Certificates

▪ Ingredients List

▪ Commercial Invoice

▪ Packing List

In addition, the following Phase One forms and documents may now be transmitted via a CBP-approved EDI to support Simplified Entry (SE) filings. Only those participants previously accepted into the SE test are eligible to submit the documents listed in this paragraph:

• CBP Form 3229, *Certificate of Origin* (articles shipped from insular possessions, except Puerto Rico, to the United States)

• CBP Form 3299, *Declaration for Free Entry of Unaccompanied Articles*

• CBP Form 4455, *Certificate of Registration*

• CBP Form 4457, *Certificate of Registration for Personal Effects Taken Abroad*

• Commercial Invoice

• Packing List

• Passport, Driver's License, or Government Issued ID

• Permit

• Vehicle Title, Certificate

• Other documents to support CBP Form 3461, *Entry/Immediate Delivery*

Please be advised that Phase Two of the DIS test is limited to the above-referenced CBP and PGA forms as well as the forms supported in Phase One. Other forms may be referenced in the DIS Implementation Guidelines, but such forms are not eligible for the present DIS test.

IV. Recordkeeping

Any form or document submitted via DIS is an electronic copy of an original document that is subject to the recordkeeping requirements of 19 CFR part 163. Every form or document transmitted through DIS must be a complete, accurate and unaltered copy of the original document.

V. Technical Specifications

In Phase Two, the DIS test reduces the number of metadata elements required for each document to only those necessary to identify the transmitter, the document preparer, the CBP request (if applicable), the document and description, and associated transaction. Documents must be submitted in an XML format via Secure File Transfer Protocol (FTP), Secure Web Services, or existing EDI ABI MQ interfaces. All responses back to test participants will also be sent in the form of an XML message. Some document types may be submitted via email. There are no technical restrictions on the Multipurpose Internet Mail Extension (MIME) file types that DIS will accept; however, JPEG, GIF, PDF, MS Word Documents, and MS Excel Spreadsheets are preferred. Additional information pertaining to technical specifications (*see* DIS Implementation Guidelines) can be accessed on CBP.gov at the following link: *http://www.cbp.gov/xp/cgov/trade/automated/modernization/ace_edi_messages/catair_main/abi_catair/catair_chapters/document_imaging_igs/*

VI. Development of ACE Prototypes

A chronological listing of **Federal Register** publications detailing ACE test developments is set forth below.

• ACE Portal Accounts and Subsequent Revision Notices: 67 FR 21800 (May 1, 2002); 70 FR 5199 (February 1, 2005); 69 FR 5360 and 69 FR 5362 (February 4, 2004); 69 FR 54302 (September 8, 2004).

• ACE System of Records Notice: 71 FR 3109 (January 19, 2006).

• Terms/Conditions for Access to the ACE Portal and Subsequent Revisions: 72 FR 27632 (May 16, 2007); 73 FR 38464 (July 7, 2008).

• ACE Non-Portal Accounts and Related Notice: 70 FR 61466 (October 24, 2005); 71 FR 15756 (March 29, 2006).

• ACE Entry Summary, Accounts and Revenue (ESAR I) Capabilities: 72 FR 59105 (October 18, 2007).

• ACE Entry Summary, Accounts and Revenue (ESAR II) Capabilities: 73 FR 50337 (August 26, 2008); 74 FR 9826 (March 6, 2009).

• ACE Entry Summary, Accounts and Revenue (ESAR III) Capabilities: 74 FR 69129 (December 30, 2009).

• ACE Entry Summary, Accounts and Revenue (ESAR IV) Capabilities: 76 FR 37136 (June 24, 2011).

• Post-Entry Amendment (PEA) Processing Test: 76 FR 37136 (June 24, 2011).

• ACE Announcement of a New Start Date for the National Customs Automation Program Test of Automated Manifest Capabilities for Ocean and Rail Carriers: 76 FR 42721 (July 19, 2011).

• ACE Simplified Entry: 76 FR 69755 (November 9, 2011).

• DIS Test: 77 FR 20835 (April 6, 2012).

• Modification of NCAP Test Regarding Reconciliation for Filing Certain Post-Importation Preferential Tariff Treatment Claims under Certain FTAs: 78 FR 27984 (May 13, 2013).

Dated: July 17, 2013.

Richard F. DiNucci,

Deputy Assistant Commissioner, Office of International Trade.

[FR Doc. 2013–17580 Filed 7–22–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–R–2013–N087; FXRS12650800000–134–FF08R00000]

Sonny Bono Salton Sea National Wildlife Refuge Complex (Sonny Bono Salton Sea National Wildlife Refuge and Coachella Valley National Wildlife Refuge), Imperial and Riverside Counties, CA; Draft Comprehensive Conservation Plan and 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), announce the availability of a Draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for the Sonny Bono Salton Sea National Wildlife Refuge (NWR) Complex, which includes the Sonny Bono Salton Sea NWR and the Coachella Valley NWR. The Draft CCP/EA, prepared under the National Wildlife Refuge System Improvement Act of 1997, and in accordance with the National

Environmental Policy Act of 1969, describes how the Service proposes to manage the two Refuges for the next 15 years. A hunt plan, draft compatibility determinations for existing public uses, a draft predator management plan, and a draft integrated pest management plan are also available for review and public comment with the Draft CCP/EA.

DATES: To ensure consideration, we must receive your written comments by August 22, 2013.

ADDRESSES: Send your comments, requests for more information, or requests to be added to the mailing list by any of the following methods.

Email: Victoria_Touchstone@fws.gov. Include ''Sonny Bono Salton Sea CCP'' in the subject line of the message.

Fax: Attn: Victoria Touchstone, 619–476–9149.

U.S. Mail: Victoria Touchstone, U.S. Fish and Wildlife Service, Refuge Planning, P.O. Box 2358, Chula Vista, CA 91912

In-Person Drop-off: You may drop off comments at the Sonny Bono Salton Sea NWR Office between 8 a.m. to 3 p.m.; please call 760–348–5278 for directions.

FOR FURTHER INFORMATION CONTACT: Victoria Touchstone, Refuge Planner, at 619–476–9150 extension 103, or Chris Schoneman, Project Leader, at 760–348–5278, extension 227. Further information may also be found at *http://go.usa.gov/jbhn.*

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), which amended the National Wildlife Refuge System Administration Act of 1966, requires the Service to develop a CCP for each national wildlife refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

We initiated the CCP/EA for the Sonny Bono Salton Sea National Wildlife Refuge Complex, which includes the Sonny Bono Salton Sea and Coachella Valley National Wildlife Refuges, in October 2010. At that time and throughout the process, we requested, considered, and incorporated public scoping comments in numerous ways. Our public outreach included a **Federal Register** notice of intent published on October 15, 2010 (75 FR 63502), two planning updates, and two public scoping meetings. The scoping comment period ended on December 14, 2010. Verbal comments were recorded at public meetings, and written comments were received via letters, emails, and comment cards.

Background

The Sonny Bono Salton Sea NWR was established as a 32,766-acre sanctuary and breeding ground for birds and other wildlife in 1930 (Executive Order 5498). Additional leased lands have been added to the Refuge under the authorities of the Migratory Bird Conservation Act (16 U.S.C. 715d), ''for use as an inviolate sanctuary, or for any other management purpose, for migratory birds,'' and the Lea Act (16 U.S.C. 695), ''for the management and control of migratory waterfowl, and other wildlife.'' Today, with the original Refuge lands covered by the waters of the Salton Sea, management activities are focused on about 2,000 acres of primarily leased land. Approximately 900 acres consist of managed wetlands that support resident and migratory birds, and another 850 acres are farmed to provide forage for wintering geese and other migratory birds. Existing public uses include waterfowl hunting, fishing, wildlife observation, photography, environmental education, interpretation, and scientific research.

The Coachella Valley NWR was established in 1985 under the authorities of the Endangered Species Act of 1973 (16 U.S.C. 1534), ''to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants.'' The 3,709-acre Refuge, which is part of the larger Coachella Valley Preserve, protects the federally listed endangered Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*) and threatened Coachella Valley fringe-toed lizard (*Uma inornata*), as well as other desert-dwelling species adapted to living in the sand dune habitat of the Coachella Valley. Access onto the Refuge is limited to a designated corridor for equestrian and hiking use.

Alternatives

The Draft CCP/EA identifies and evaluates three alternatives for managing the Sonny Bono Salton Sea NWR and three alternatives for managing the Coachella Valley NWR. For each Refuge, the alternative that appears to best meet the Refuge's purposes is identified as the preferred alternative. The preferred alternative for each Refuge is identified based on the analysis presented in the draft CCP/EA, and may be modified following the completion of the public comment period based on comments received from other agencies, tribal governments, nongovernmental organizations, and individuals.

For each Refuge, under Alternative A (no action alternative) current management practices would continue to be implemented over the next 15 years and no changes to the current public use programs would occur.

Alternatives for Sonny Bono Salton Sea NWR

Under Alternative B (preferred alternative), the Service would expand current habitat management activities to enhance habitat quality, particularly in managed wetlands and agricultural fields; initiate the phased restoration of shallow saline water habitat at Red Hill Bay, an area of the Salton Sea that has recently receded; implement predator management to protect nesting western gull-billed terns (*Gelochelidon nilotica vanrossemi*) and black skimmers (*Rynchops niger*); and implement an integrated pest management (IPM) plan to control invasive plants. A variety of actions are also proposed to improve existing public use facilities and provide additional opportunities for wildlife observation and photography.

Under Alternative C, the Service would implement habitat actions similar to those proposed in Alternative B. The proposals for public use in Alternative C would focus on enhancing existing facilities in Units 1 and 2, rather than providing additional public use facilities in Unit 2, as proposed in Alternative B.

Alternatives for the Coachella Valley NWR

Under Alternative B (preferred alternative), the Service would increase listed and sensitive species management and support actions, implement an IPM plan to control invasive plants; enhance the habitat quality of an old agricultural site by reintroducing appropriate native plant species; and in partnership with others develop and implement a long-term sand transport monitoring plan. Also proposed is an expanded public outreach program. Occasional guided tours of the Refuge would continue at current levels and the only public access onto the Refuge would occur on a designated trail corridor that extends along portions of the Refuge's western and northern boundary. The remainder

of the Refuge would continue to be closed to the public.

Under Alternative C, the Service would expand current management to protect listed and sensitive species, implement an IPM Plan to control invasive plants, and initiate a comprehensive restoration plan for an old agricultural site on the Refuge to restore creosote bush scrub habitat. In addition, the existing public outreach program would be expanded and interpretive signs would be installed along the existing trail corridor. Occasional guided tours of the Refuge would continue at current levels and public access would continue to be limited to the existing public trail corridor. All other areas within the Refuge would remain closed to the public.

Public Meetings

The locations, dates, and times of public meetings will be listed in a planning update distributed to the project mailing list and posted on the Sonny Bono Salton Sea National Wildlife Refuge Complex public Web site at *http://go.usa.gov/jbhn.*

Review and Comment

Copies of the Draft CCP/EA may be obtained by contacting Victoria Touchstone (see **ADDRESSES**). Copies of the Draft CCP/EA may be viewed at Sonny Bono Salton Sea NWR office (see **ADDRESSES** for contact information) and local libraries. The Draft CCP/EA is also available for viewing and downloading online at: *http://go.usa.gov/jbhn.* Comments on the Draft CCP/EA should be addressed to Victoria Touchstone (see **ADDRESSES**).

At the end of the review and comment period for this Draft CCP/EA, comments will be analyzed by the Service and addressed in the Final CCP. 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.

Alexandra Pitts,

Acting Regional Director, Pacific Southwest Region Sacramento, California.

[FR Doc. 2013–17770 Filed 7–22–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal-State Class III Gaming Compact taking effect.

SUMMARY: This notice publishes the Class III Amended and Restated Tribal-State Gaming Compact between the Shingle Springs Band of Miwok Indians and the State of California taking effect.

DATES: *Effective Date:* July 23, 2013.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Amended and Restated Compact (Compact) provides a process for restructuring the Tribe's gaming-related debts, reduces the Tribe's revenue sharing requirements and extends the term of the Compact to June 30, 2032. The Secretary took no action on the Compact within 45-days of its submission by the Tribe and State. Therefore, the Compact is considered to have been approved, but only to the extent the Compact is consistent with IGRA. *See* 25 U.S.C. 2710 (d)(8)(C).

Dated: July 15, 2013.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2013–17680 Filed 7–22–13; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–BSD–CONC–10000; PPWOBSADC0, PPMVSCS1Y.Y00000]

Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; Commercial Use Authorizations

AGENCY: National Park Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (National Park Service) have sent an Information Collection Request (ICR) to OMB for review and approval. We summarize the ICR below and describe the nature of the collection and the estimated burden and cost. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: You must submit comments on or before August 22, 2013.

ADDRESSES: Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to Madonna L. Baucum, Information Collection Clearance Officer, National Park Service, 1849 C Street NW. (MS 2601), Washington, DC 20042 (mail); or *madonna_baucum@nps.gov* (email). Please include ''1024–CUA'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Paul Chalfant at *Paul_Chalfant@nps.gov* (email) or (928) 638–7900 (telephone). You may review the ICR online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

OMB Control Number: None. This is a new collection.

Title: Commercial Use Authorizations.

Service Form Number(s): 10–550, 10–660, and 10–660A.

Type of Request: Existing collection in use without an OMB control number.

Description of Respondents: Individuals and businesses.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; monthly and annually for reports.

Activity	Number of respondents	Number of annual responses	Completion time per response	Total annual burden hours
Form 10–550 (Application)	5,250	5,250	2.5 hours	13,125
Form 10–660 (Annual Report)	7,100	7,100	1.25 hours	8,875
Form 10–660A (Monthly Report)	7,100	63,900	45 minutes	47,925
TOTALS	19,450	76,250		69,925

Estimated Annual Nonhour Burden Cost: $525,000 associated with application fees.

Abstract: Conducting commercial operations in a unit of the National Park System without a contract, permit, commercial use authorization, or some other written agreement is prohibited. Section 418, Public Law 105–391 (16 U.S.C. 5966) gives the Secretary of the Interior the authority to authorize a private person, corporation, or other entity to provide services to visitors in units of the National Park System through a Commercial Use Authorization (CUA). Such authorizations are not considered concession contracts. We authorize commercial operations that originate and operate entirely within a park (in-park); commercial operations that provide services originating and terminating outside of the park boundaries; noncommercial organized children's camps, outdoor clubs, and nonprofit institutions; and other uses as the Secretary determines appropriate. The commercial operations include a range of services, such as mountain climbing guides, boat repair services, transportation services and tours, canoe livery operations, hunting guides, retail sales at festivals, fun runs, catering services, and dozens of other visitor services.

We collect information on the CUA application (Form 10–650), the CUA Annual Report (Form 10–660), and CUA Monthly Report (Form 10–660A). We use the information from these forms to:

- Manage the program and operations.
- Determine the qualifications and abilities of the commercial operators to provide a high quality, safe, and enjoyable experience for park visitors.
- Determine the impact on the parks natural and cultural resources.
- Manage the use and impact of multiple operators.

Comments: On April 11, 2011, we published in the **Federal Register** (76 FR 2007) a notice requesting public comment on this information collection. The comment period ended on June 10, 2011. We received one comment in response to this notice. The commenter did not address the information collection requirements, but stated that the Government should be transparent and that CUA holders and fees should be posted on the Internet. Each park issuing CUAs publishes the holder's contact information, the service(s) provided, and fee information on the park Web site. We did not made any changes to our information collection based on this comment.

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. 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 OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: July 17, 2013.

Madonna L. Baucum,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2013–17652 Filed 7–22–13; 8:45 am]

BILLING CODE 4310–EH–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NCR–13339; PPNCNAMAN0, PPMPSPD1Y.YM00000]

Proposed Information Collection; National Capital Region Application for Public Gathering

AGENCY: National Park Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (National Park Service, NPS) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on February 28, 2014. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by September 23, 2013.

ADDRESSES: Send your comments on the IC to Madonna L. Baucum, Information Collection Clearance Officer, National Park Service, 1849 C Street NW., MS 2601, Washington, DC 20240 (mail); or *madonna_baucum@nps.gov* (email). Please include ''1024–0021'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Robbin Owen, National Capital Region, National Park Service, 900 Ohio Drive SW., Washington, DC 20024 (mail) or at 202–245–4715 (telephone); or Marisa Richardson via email at *Marisa_Richardson@nps.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Division of Permits Management of the National Mall and Memorial Parks issues permits for public gatherings (special events and demonstrations) held on NPS property within the National Capital Region. Regulations at 36 CFR 7.96(g) govern permits for public gatherings and implement statutory mandates to provide for resource protection and public enjoyment. These regulations reflect the special demands on many of the urban National Capital Region parks as sites for demonstrations and special events. A special event is any presentation, program, or display that is

recreational, entertaining, or celebratory in nature; e.g., sports events, pageants, celebrations, historical reenactments, regattas, entertainments, exhibitions, parades, fairs, festivals and similar events. The term ''demonstration'' includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services and all other like forms of conduct that involve the communication or expression of views or grievances.

Those who want to hold a special event or demonstration must complete an Application for a Permit to Conduct a Demonstration or Special Event in Park Areas and a Waiver of Numerical Limitations on Demonstrations for White House Sidewalk and/or Lafayette Park. The current application is available online at *http://www.nps.gov/nama/planyourvisit/permits.htm.* We collect information on:

- Sponsor (name, address, telephone and fax numbers, email address, Web site address).
- Type of permit requested.
- Logistics (dates/times, location, purpose, plans, and equipment for proposed activity).
- Potential civil disobedience and traffic control issues.
- Circumstances that may warrant park rangers being assigned to the event.

II. Data

OMB Control Number: 1024–0021.

Title: National Capital Region Application for Public Gathering, 36 CFR 7.96(g).

Service Form Number(s): None.

Type of Request: Extension of a currently approved collection.

Description of Respondents: Individuals, organizations, businesses, and State, local, or tribal governments.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: On occasion.

Estimated Number of Annual Respondents: 2,746.

Estimated Number of Annual Responses: 2,746.

Completion Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1,373 hours.

Estimated Annual Nonhour Cost Burden: $329,520, associated with application fees. There is no fee for applications for First Amendment activities.

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 17, 2013.

Madonna L. Baucum,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2013–17655 Filed 7–22–13; 8:45 am]

BILLING CODE 4310–EH–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NCR–11935;PX.XDESC0047.00.1]

Draft Environmental Impact Statement for the Antietam, Monocacy, Manassas White-tailed Deer Management Plan

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service (NPS) announces the availability of a Draft Environmental Impact Statement (DEIS) for the White-tailed Deer Management Plan (Plan), Antietam National Battlefield, Maryland; Monocacy National Battlefield, Maryland; and Manassas National Battlefield Park, Virginia. The white-tailed deer populations and Chronic Wasting Disease (CWD) are managed through this plan, which provides integrated tools and strategies that support preservation of the natural and cultural landscape through the protection and restoration of native vegetation and other natural and cultural resources.

DATES: The NPS will accept comments on the DEIS from the public for a period of 60 days following publication of the Environmental Protection Agency's Notice of Availability in the **Federal Register.** You may check the Web site of Antietam National Battlefield (*www.nps.gov/anti*), Monocacy National Battlefield (*www.nps.gov/mono*), and Manassas National Battlefield Park (www.nps.gov/mana) for dates, times, and places of public meetings to be conducted by the National Park Service, or by calling park contacts below or Tracy Atkins at (303) 969–2325.

ADDRESSES: You may submit comments by the following methods:

You may mail comments to:

Antietam National Battlefield, c/o Ed Wenschhof, P.O. Box 158, Sharpsburg, MD 21782, (301) 432–2243.

Monocacy National Battlefield, c/o Superintendent Rick Slade, 4632 Araby Church Road, Frederick, MD 21704, (301) 696–8650.

Manassas National Battlefield Park, c/o Superintendent Ed W. Clark, 12521 Lee Highway, Manassas, VA 20109–2005, (703) 754–1861.

The preferred method of comment is via the internet at *http://parkplanning.nps.gov.* The document will be available for public review and comment online at *http://parkplanning.nps.gov/anti,* and can be viewed at the following locations:

Urbana Regional Library, 9020 Amelung Street, Frederick, MD 21704
C. Burr Artz Library, 110 East Patrick Street, Frederick, MD 21701
Washington County Library, 101 Tandy Drive, Hagerstown, MD 21740
Washington County Library, 401 Potomac Street, Boonsboro, MD 21713
Washington County Library, 22 Taylor Drive, Keedysville, MD 21756
Washington County Library, 106 East Main Street, Sharpsburg, MD 21782
Manassas Central Library, c/o Branch Manager, 8601 Mathis Avenue, Manassas, VA 20110
Bull Run Regional Library, c/o Branch Manager, 8051 Ashton Avenue, Manassas, VA 20109
Fairfax City Library, 3915 Chain Ridge Road, Fairfax, VA 22030
Manassas City Museum, 9101 Prince William Street, Manassas, VA 20110

This notice also announces that public meetings will be held to solicit comments on the DEIS during the public review period. The dates, times, and locations of the public meetings will be announced on the Antietam National Battlefield, Monocacy National Battlefield, and Manassas National Battlefield Park Web sites noted above, in local newspapers, and by calling NPS contacts or Tracy Atkins.

FOR FURTHER INFORMATION CONTACT: Tracy Atkins, Project Manager, Denver Service Center Planning Division, 12795

W. Alameda Parkway, Denver, CO 80225–0287, or via phone at (303) 969–2325.

SUPPLEMENTARY INFORMATION: Antietam National Battlefield, Monocacy National Battlefield, and Manassas National Battlefield Park are all located in the NPS National Capital Region within a little over an hour's drive from Washington DC. The U.S. Congress set aside these park units to represent outstanding aspects of our natural and cultural heritage to ensure they receive the highest standards of protection. These park units commemorate ''sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States.'' All three battlefields commemorate one or more Civil War battles and the history associated with these battles.

The purpose of the DEIS and Plan is to develop a deer management strategy that supports preservation of the natural and cultural landscape through the protection and restoration of native vegetation. Although relatively rare at the turn of the twentieth century, white-tailed deer populations in the Mid-Atlantic region have grown during recent years. Current deer densities of 130–230 deer per square mile are substantially larger than commonly accepted sustainable densities for this region, estimated at about 15–25 deer per square mile.

The NPS has developed the DEIS under section 102(2)(C) of the National Environmental Policy Act of 1969 and consistent with National Park Service law, regulations, and policies, and the purpose of these three parks. The DEIS describes and analyzes three action alternatives (B, C, and D) to guide management actions and strategies for white-tailed deer. The alternatives include lethal and non-lethal actions to manage and reduce the impacts of white-tailed deer. Included in the alternatives is the no-action alternative (alternative A).

There are three action alternatives for the management of White-tailed deer and one management action alternative for the management of CWD:

Alternative B of the White-tailed deer management plan provides a nonlethal deer reduction option to implement nonsurgical reproductive control of does when an acceptable reproductive control agent is available that meets NPS established criteria. Large constructed exclosures would also protect 5–20% of the forested area of the parks to allow reforestation. Additional techniques include fencing of crops and woodlots, crop protection through sacrificial rows, and aversive conditioning.

Alternative C of the White-tailed Deer Management Plan provides a lethal deer reduction option through the use of sharpshooting with firearms, possible capture and euthanasia to reduce deer populations to the target density and maintain that level. Donation of meat would also occur, subject to any concerns or restrictions related to CWD.

Alternative D of the White-tailed Deer Management Plan provides a combined lethal and nonlethal deer reduction option through the use of sharpshooting with firearms, possible capture, and euthanasia to reduce deer populations to a desirable level and maintain that level. Once the target density has been reached, it will use nonsurgical reproductive control of does when an acceptable reproductive control agent is available that meets NPS established criteria.

Alternatives B, C, and D of the Plan continue targeted and opportunistic surveillance, and continued actions under any current initial detection and response plans. They incorporate a long-term CWD response plan that lethally reduces the deer population to decrease potential for CWD transmittal and spread for CWD management purposes only and only if CWD is confirmed in or within 5 miles of the parks. Deer populations could be reduced to 15–20 deer per square mile or as needed to cooperate with state program and testing requirements, but no less than 10 deer per square mile. Deer will be tested for CWD.

1. The DEIS evaluates potential environmental consequences of implementing the alternatives. Impact topics include the natural, cultural, and socioeconomic environments. For further information contact Tracy Atkins at the number above.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 17, 2013.

Stephen E. Whitesell,

Regional Director, National Capital Region.

[FR Doc. 2013–17656 Filed 7–22–13; 8:45 am]

BILLING CODE 4310–DL–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–13451; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before June 29, 2013. Pursuant to § 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by August 7, 2013. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 5, 2013.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

CALIFORNIA

Los Angeles County

Hotel Rosslyn Annex, 112 W. 5th St., Los Angeles, 13000589

San Francisco County

U.S. Appraisers Stores and Immigration Station, 630 Sansome St., San Francisco, 13000590

Solano County

City Hall, 715 Marin St., Vallejo, 13000591

COLORADO

Logan County

Downtown Sterling Historic District, Roughly bounded by Division Ave., Poplar, Front, Ash & 4th Sts., Sterling, 13000592

INDIANA

Porter County

Good Fellow Club Youth Camp, 700 Howe Rd., Porter, 13000593

IOWA

Cedar County

Herbert Hoover National Historic Site (Boundary Increase), 110 Parkside Dr., West Branch, 13000594

MAINE

Androscoggin County

Poland Springs Historic District, 543 Maine St., Poland, 13000595

MINNESOTA

Goodhue County

Church of St. Rose of Lima, 8778 County 11 Blvd., Kenyon, 13000597

Red Wing Waterworks, 935 Levee Rd., Red Wing, 13000598

NEW YORK

Chemung County

Maple Avenue Historic District, 310 to 782 Maple (west side), 351 to 761 Maple (east side), Elmira, 13000599

Monroe County

Shantz Button Factory, 340 & 330 Rutgers St., 795 Monroe Ave., Rochester, 13000600

TEXAS

Travis County

German American Ladies College, 1604 E. 11th St., Austin, 13000601

Kappa Kappa Gamma House, 2001 University Ave., Austin, 13000602

WEST VIRGINIA

Fayette County

New River Gorge Bridge, U.S. 19 over New R., Fayetteville, 13000603

In the interest of preservation a request for a three day comment period has been made for the following resource:

MASSACHUSETTS

Hampden County

Hooker Apartments, 2772–2786 Main & 7 Greenwich Sts., Springfield, 13000596

A request for removal has been made for the following resource:

SOUTH DAKOTA

Edmunds County

Roscoe Community Hall, 202 Mitchell St., Roscoe, 84003284

[FR Doc. 2013–17582 Filed 7–22–13; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2013–0019]

Atlantic Wind Lease Sale 1 (ATLW1) Commercial Leasing for Wind Power on the Outer Continental Shelf Offshore Virginia—Final Sale Notice

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Final Sale Notice for Commercial Leasing for Wind Power on the Outer Continental Shelf Offshore Virginia.

SUMMARY: This document is the Final Sale Notice (FSN) for the sale of a commercial wind energy lease on the Outer Continental Shelf (OCS) offshore Virginia, pursuant to BOEM's regulations at 30 CFR 585.216. BOEM is offering Lease OCS–A 0483 for sale using an ascending clock auction format. The lease area comprises the Virginia Wind Energy Area (WEA) described in the *Call for Information and Nominations* (Call) published on February 3, 2012 (see ''Area Offered for Leasing'' below for a description of the WEA and lease area) (77 FR 5545). The lease area is identical to that announced in the *Proposed Sale Notice (PSN) for Commercial Leasing for Wind Power on the Outer Continental Shelf (OCS) Offshore Virginia,* which was published on December 3, 2012, in the **Federal Register** with a 60-day public comment period (77 FR 71621). In this FSN, you will find information pertaining to the area available for leasing, lease provisions and conditions, auction details, the lease form, criteria for evaluating competing bids, award procedures, appeal procedures, and lease execution. The issuance of the lease resulting from this announcement would not constitute an approval of project-specific plans to develop offshore wind energy. Such plans, expected to be submitted by the lessee, will be subject to subsequent environmental and public review prior to a decision to proceed with development.

DATES: BOEM will hold a mock auction for the eligible bidders on August 28, 2013. The monetary auction will be held online and will begin at 10:30 a.m. on September 4, 2013. Additional details are provided in the section entitled, ''Deadlines and Milestones for Bidders.''

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 FSN 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 585.216.

Background

The lease area offered in this FSN is the same area as BOEM announced in the PSN on December 3, 2012 (77 FR 71621). BOEM received 15 comment submissions in response to the PSN, which are available in the **Federal Register** docket for this notice through BOEM's Web site at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/Virginia.aspx*. BOEM has also posted a document containing responses to comments submitted during the PSN comment period and listing other changes that BOEM has implemented for this lease sale since publication of the PSN. This *Response to Comments and Explanation of Changes* can be found at the following URL: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/Virginia.aspx*.

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 (NEPA). Consultations ran concurrently with the preparation of the EA and included consultation under the Endangered Species Act (ESA), 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 proposed lease area identified in this PSN matches the Virginia Wind Energy Area (WEA) described in the preferred alternative in 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* (Regional EA), which 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 on May 24, 2013, with receipt of a Biological Opinion that, along with the previous informal consultation, informed the development of the Virginia commercial wind lease package.

Additional environmental reviews will be conducted upon receipt of the Lessee's proposed project-specific plans, such as a Site Assessment Plan (SAP) or Construction and Operations Plan (COP).

Potential bidders should be aware of the following three unsolicited nominations under consideration by BOEM, situated within or near the Virginia WEA.

Atlantic Grid Holdings LLC Right of Way (ROW) Grant Request: On March 31, 2011, Atlantic Grid Holdings LLC submitted an unsolicited application for a ROW grant. Following publication of a notice to determine competitive interest in the grant area and a 60-day public comment period, BOEM published its determination of no competitive interest on May 15, 2012 (77 FR 28620). The nomination and associated notices can be found at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/Regional-Proposals.aspx*.

Virginia Department of Mines, Minerals and Energy (DMME) Research Lease Request #1: On June 1, 2012, the Commonwealth of Virginia, DMME, submitted an unsolicited nomination for a research lease under 30 CFR 585.238 for the siting of two meteorological ocean and environmental monitoring platforms. BOEM announced the availability of a *Request for Competitive Interest: Research Lease for Renewable Energy on the Outer Continental Shelf Offshore Virginia* in the **Federal Register** for a 30-day public comment on December 21, 2012 (77 FR 75656). No indications of competitive interest were submitted in response to the request, and a Notice of a Determination of No Competitive Interest was published March 15, 2013 (78 FR 16529).

Virginia DMME Research Lease Request #2: On February 8, 2013, the Commonwealth of Virginia, DMME, submitted an unsolicited nomination for a research lease under 30 CFR 585.238 for the siting of two 6-megawatt (MW) wind turbines for demonstration and research purposes. The research lease request nominates six sub-blocks to the west of the Virginia WEA for this purpose, in OCS Blocks 6061 and 6111. The nomination is under BOEM review.

List of Eligible Bidders: BOEM has determined that the following companies are legally, technically, and financially qualified pursuant to 30 CFR 585.106 and 107, and are therefore eligible to participate in this lease sale as bidders.

Company name	Company No.
Apex Virginia Offshore Wind, LLC	15040
Virginia Electric and Power Company *dba* Dominion Virginia Power	15042
Energy Management, Inc	15015
EDF Renewable Development, Inc	15027
Fishermen's Energy, LLC	15005
IBERDROLA RENEWABLES, Inc.	15019
Sea Breeze Energy LLC	15044
Orisol Energy US, Inc	15020

Deadlines and Milestones for Bidders: This section describes the major deadlines and milestones in the auction process from publication of this FSN to execution of a lease pursuant to this sale.

- *Bidder's Financial Form:* Each eligible bidder must submit a Bidder's Financial Form to BOEM by August 6, 2013. Once this information has been processed by BOEM, bidders may log into *pay.gov* and leave bid deposits. Any bidder that fails to submit the Bidder's Financial Form by this deadline may be prevented by BOEM from participating in the auction.
- *Bid Deposits:* Each bidder must submit an adequate bid deposit by August 22, 2013. Any bidder that fails to submit the bid deposit by this deadline may be prevented by BOEM from participating in the auction.
- *Mock Auction:* BOEM will hold a Mock Auction on August 28, 2013. The Mock Auction is not an ''in-person'' event. BOEM will contact each eligible bidder and provide instructions for participation. Only bidders eligible to participate in this auction will be permitted to participate in the Mock Auction.
- *Monetary Auction:* On September 4, 2013, BOEM, through its contractor, will hold the monetary auction. The auction will start at 10:30 a.m. The auction will proceed according to a schedule to be distributed by the BOEM Auction Manager during the auction. BOEM anticipates that the auction will continue on consecutive business days, as necessary, until the auction ends according to the procedures described in the Auction Format section of this notice.
- *Announce Provisional Winner:* BOEM will announce the provisional winner of the lease sale after the auction ends.
- *Refund Non-Winners:* BOEM will return the bid deposits of any bidders that did not win the lease.
- *Department of Justice (DOJ) Review:* BOEM will afford DOJ 30 calendar days 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. (1) 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 calendar 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.

- *Send Lease:* BOEM will send three copies of the lease to the winner, with instructions on how to accept and execute the lease. The first 6-months of the first year's rent payment is due 45 calendar days after the winner receives the lease for execution.
- *Return the Lease:* The auction winner will have 10 business days from receiving the lease copies in which to post financial assurance, pay any outstanding balance of their bonus bids, and sign and return the three copies.
- *Execute Lease:* Once BOEM has received the lease copies and verified that all required materials have been received, BOEM will make a final determination regarding its execution of the lease and execute if appropriate.
- *Reject Unsuccessful Bids:* Once the lease has been executed, BOEM will provide unsuccessful bidders a written statement of the reasons their bids were rejected.

Area Offered for Leasing: The lease area offshore Virginia contains 19 whole OCS blocks and 13 sub-blocks. The western edge of the proposed lease area is approximately 23.5 nautical miles (nmi) from the Virginia Beach coastline, and the lease area extends to an eastern edge that is approximately 36.5 nmi from the same location. The longest north/south portion is approximately 10.5 nmi in length and the longest east/west portion is approximately 13 nmi in length. The entire area is approximately 112,799 acres, or 45,648 hectares. A description of the lease area and lease activities can be found in Addendum ''A'' of the lease, which BOEM has made available with this notice on its Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Virginia.aspx.*

Map of the Area Offered for Leasing: A map of the area 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/Virginia.aspx*.

A large scale map of this area 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) 787–1300, Fax: (703) 787–1708.

Area Offered As A Single Lease: The area available for sale will be auctioned as a single lease. One lease will be issued pursuant to this lease sale.

BOEM has decided to auction the area as a single zone resulting in a single lease in order, among other things, to take advantage of the simplicity of this type of sale, the importance of which was highlighted by comments received in response to the *Auction Format Information Request* (76 FR 76174). Further discussion about this decision is provided in the *Response to Comments and Explanation of Changes.*

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 specific terms, conditions, and stipulations for the OCS commercial wind lease in the Virginia WEA within Addendum ''C'' of the lease. BOEM reserves the right to apply additional terms and conditions to activities conducted on the lease incident to any future approval or approval with modifications of a SAP and/or COP. This lease, including Addendum ''C'', is available on BOEM's Web site at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/Virginia.aspx*. The lease consists of an instrument with 18 sections and 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); and

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.

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.

Pursuant to 30 CFR 585.629, a leaseholder may include in its COP a request to develop its commercial lease in phases. If a leaseholder requests and BOEM approves phased development, this approval will not affect the length of the preliminary site assessment, or commercial terms offered under the lease. The COP must describe in sufficient detail the activities proposed for all phases of commercial development, including a schedule detailing the proposed timelines for phased development. Further, the COP must include the results of all site characterization surveys, as described in 30 CFR 585.626(a), necessary to support each phase of commercial development. The requirements of the SAP remain the same as they would under a non-phased development scenario, and must meet the requirements set forth in the regulatory provisions in 30 CFR 585.605–613 for the full commercial lease area.

Financial Terms and Conditions: This section provides an overview of the basic annual payments required of the Lessee, which will be fully described in the 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 calendar 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 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 ratio of the actual nameplate capacity not yet authorized for commercial operations at the time payment is due divided by the maximum nameplate capacity authorized in the Lessee's most recent approved 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 112,799 acres (the size of the Virginia WEA), the amount of rent payment will be $338,397 per year if the entire leased area is not yet authorized for commercial operations. If the Lessee has 500 MW authorized under commercial operations and its most recent approved COP specifies a maximum project size of 1000 MW on the entire leased area in any year of commercial operations, the rent payment will be $169,198.

The Lessee also must pay rent for any project easement associated with the lease commencing on the date that BOEM approves the COP (or modification) that describes the project easement. Annual rent for a project easement that is 200-feet wide and centered on the transmission cable would be $70 per statute mile. For any additional acreage required, the Lessee must also pay the greater of $5 per acre per year or $450 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 the 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 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 farm 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 the Lessee has 20 turbines

under commercial operations rated by the design manufacturer at 5 MW of output each, the nameplate capacity of the wind farm 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 farm facility that is delivered to the interconnection grid (*i.e.,* where the Lessee's facility interconnects with the electric grid) relative to the wind farm 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's Bureau of Economic Analysis (BEA).

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 the cost to meet all accrued lease obligations. BOEM will determine the amount of supplemental and decommissioning financial assurance requirements on a case-by-case basis.

The financial terms can be found in Addendum ''B'' of the lease, which BOEM has made available with this notice on its Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Virginia.aspx.*

Bid Deposit and Minimum Bid: A bid deposit is an advance cash deposit submitted to BOEM by a potential bidder to enable participation in the auction. No later than August 22, 2013, each bidder must have submitted a bid deposit of $450,000. Any bidder that fails to submit the bid deposit by the deadline described herein may be prevented by BOEM from participating in the auction. Bid deposits will be accepted online via *pay.gov.*

Each BOEM lease sale requires a separate bid deposit. Therefore, to be eligible to participate in this auction, a bidder may not rely on a bid submitted for another lease sale. If a bidder intends to participate in both this lease sale and another lease sale, for example ATLW–2 for leasing offshore Rhode Island and Massachusetts, that bidder must submit two separate bid deposits corresponding to the two lease sales. In addition, BOEM cannot guarantee the return of one bid deposit in time for those funds to be applied to another lease sale.

Approximately 112,799 acres are offered for sale as Lease OCS–A 0483 in this auction. The minimum bid is $2 per acre for the lease area. Therefore, the minimum acceptable bid, *i.e.,* the opening asking price, will be $225,598.

Each bidder must complete the Bidder's Financial Form that BOEM has made available with this notice on its Web site at: *http://boem.gov/Renewable-Energy-Program/State-Activities/Virginia.aspx*. This form must be submitted by August 6, 2013, to BOEM, pursuant to the instructions posted with the form. 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 submit 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, BOEM will refund the balance of the bid deposit to the bidder. BOEM will also refund the bid deposit to unsuccessful bidders.

Auction Procedures

Summary

The sale is being conducted using an online bidding system and follows an ''ascending clock'' auction format. In this format, BOEM sets an initial asking price for Lease OCS–A 0483 and increases that price incrementally based on the number of active bidders in each round until no more than a single active bidder remains in the auction. A bid submitted at the full asking price for the lease area in a particular round is referred to as a ''live bid''. During each round, active bidders may take one of the following actions: (1) Submit a live bid indicating that they are interested in acquiring the lease area at the current round's stated asking price, or (2) submit an Exit Bid (see below for discussion of Exit Bids), or (3) exit the auction.

A bidder remains active in the auction as long as it continues to meet BOEM's asking price in each round. If more than one live bid is received in a round, BOEM increases the asking price incrementally and conducts another auction round. BOEM plans to raise the asking price following any round in which two or more bidders submitted live bids. The auction concludes at the end of the round in which the number of live bids received falls to one or zero.

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;
- Decreasing the increments as the asking price of the lease area nears its final price.

The number of bids in the most recent round will be used as an indication of how close the lease area's asking price is to its final price. Accordingly, BOEM plans to use higher increments when there are many live bids, and reduce the increments as the auction progresses. BOEM intends to use bid increments in the range of 20% to 50% in early rounds of the auction. At some point, BOEM intends to reduce the bid increments to the 5% to 20% range. 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.

Between rounds, BOEM will release the following information:

- The number of live bids in the previous round of the auction.
- The asking price in the upcoming round of the auction.

Additional auction rounds occur as long as two or more bidders continue to submit a live bid.

It is possible that multiple bidders will be willing to meet the previous round's asking price, while no bidders will be willing to meet the current round's asking price. Due to this scenario, bidders exiting the auction are allowed to submit an Exit Bid at an offer price greater than the asking price in the previous round and less than the asking price in the current round. Exit bidding allows bidders to express precisely the maximum price they are willing to offer while also minimizing the chance of ties. If a bidder exits the auction by placing an Exit Bid or choosing not to submit a live bid in the current round, it will no longer be allowed to submit bids in any subsequent round. If a bidder leaves the auction without submitting an Exit Bid, BOEM will treat the previous round's asking price as the bidder's Exit Bid in the current round. Exit Bids are not considered to be live bids for purpose of determining whether to conclude the auction.

The winning bid is the highest bid, whether that bid is a live bid or an Exit Bid. If there is a tie, the winning bidder is chosen by a random draw. If a winning bidder does not execute a lease pursuant to the lease sale, BOEM reserves the right to determine which bid would have won in the absence of the winning bidder, and to offer a lease pursuant to this ''next highest'' bid.

Additional Information Regarding the Auction

Auction System Technical Supplement and Auction Manual

BOEM has created an Auction System Technical Supplement (ASTS) to complement the procedures described in this notice by providing further details about the auction system. This document is available on BOEM's Web site at *http://www.boem.gov/Renewable-Energy-Program/State-Activities/Virginia.aspx.*

Moreover, bidders will be provided with an Auction Manual shortly before the auction date. This document contains further instructions on using the auction system, as well as certain information that BOEM is not making available to the public for security reasons, including the Auction Manager phone number and URL where the auction will be hosted.

Bidder Authentication

The Auction Manager will send several bidder authentication packages to each bidder shortly after BOEM processes the Bidder's Financial Forms. One package will contain a token for each authorized individual as noted on the Bidder's Financial Form. Tokens are digital authentication devices. The tokens will be mailed to the address of record that BOEM has on file for each company, care of the Primary Point of Contact indicated on the Bidder's Financial Form. 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 days following the auction. An addressed, stamped envelope will be provided to facilitate this process.

The second package contains login credentials for authorized bidders. The login credentials will be mailed to the address provided in the Bidder's Financial Form 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 Manual and Alternative Bidding Form. The login information, along with the tokens, will be tested during the mock auction.

Monetary Auction Times

This section will describe, from a bidder's perspective, how the auction will take place. This information will be elaborated on and clarified in the Mock Auction to be held on August 28, 2013.

The auction will begin at 10:30 a.m. on September 4, 2013. Bidders may log in as early as 8:30 a.m. on that day. We recommend that bidders log in no later than 9:30 a.m. on that day to ensure that any login issues have been resolved in time. Once bidders have logged in, they should review the auction schedule, which lists the start times, end times, and recess times of each round in the auction. Each round is structured as follows:

- Round bidding begins;
- Bidders enter their bids;
- Round bidding ends and the Recess begins;
- Sometime during the Recess, previous Round results are posted;
- Bidders review the previous Round results and prepare their next Round bids;
- Next Round bidding begins.

The first round will last about 30 minutes, though subsequent rounds may be closer to 20 minutes in length. Recesses are anticipated to last approximately 10 minutes. The descriptions of the auction schedule and asking price increments included with this FSN are tentative. Bidders should consult the auction schedule on the bidding Web site during the auction for updated times. Bidding will continue until about 5:00 p.m. each day. BOEM anticipates the auction will last one or two days, but bidders are advised to prepare to continue bidding for additional business days as necessary to resolve 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.

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 materials and 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 Manual *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 can 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.

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 Exit Bid, 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. In any case, no lease will be awarded to any bidder, and no bid 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 any of these requirements may be returned to the bidder submitting that bid and not considered for acceptance.

Process for Issuing the Lease: If BOEM proceeds with lease issuance, it will issue three unsigned copies of the lease to the winning bidder. Within 10 business days after receiving the lease copies, the 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://boem.gov/Renewable-Energy-Program/State-Activities/Virginia.aspx.*

If the winning bidder does not meet these three requirements within 10 business days of receiving the lease copies as described above, or if the 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.

BOEM will not execute a lease until the three requirements above have been satisfied, BOEM has accepted the winning bidder's financial assurance, and 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 calendar days of the date that the Lessee receives the lease copies, the Lessee 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/Virginia.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 the BOEM's auction procedures will not insulate a party from enforcement of the 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, 30 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 the lease area;
- 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 Self-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: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/Virginia.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 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.

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). We 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 you submit as required by the Freedom of Information Act (FOIA). Exemption 4 of FOIA applies to trade secrets and commercial or financial information that you submit 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, subject to the requirements of 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 your company). Information that is not labeled as privileged or confidential will be regarded by BOEM as suitable for public release.

Dated: July 1, 2013.

Tommy P. Beaudreau,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2013–17663 Filed 7–22–13; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–849]

Certain Rubber Resins and Processes for Manufacturing Same; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a Final Initial Determination and Recommended Determination on Remedy and Bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, specifically a general exclusion order or a limited exclusion order. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on June 17, 2013. Comments should address whether issuance of a general exclusion order or a limited exclusion order 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 recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended 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 recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the general exclusion order or limited exclusion order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on August 14, 2013.

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 investigation number (''Inv. No. 849'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*).

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. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.
Issued: July 17, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–17571 Filed 7–22–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Generic Clearance for Site Visits

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), seeks comment on the proposed information collection request titled ''Generic Clearance for Site Visits'' as part of its continuing effort to reduce paperwork and respondent burden, and conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that required data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed ICR with applicable supporting documentation including a description of the likely respondents, proposed frequency of response, and estimated total burden can be obtained free of charge by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before September 23, 2013.

ADDRESSES: You may submit comments by either one of the following methods: *Email: Javar.Janet.O@dol.gov*; *Mail or Courier:* Office of the Assistant Secretary for Policy, Chief Evaluation Office, U.S. Department of Labor, Room S–2312, 200 Constitution Avenue NW., Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified below for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Janet Javar by telephone at 202–693–5959 (this is not a toll-free number) or by email at *Javar.Janet.O@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background: The Chief Evaluation Office (CEO) within the Department of Labor (DOL) is responsible for implementing, managing, and coordinating DOL's evaluation program. CEO works closely with agency staff to design, fund, and implement program evaluations. The results from evaluations inform policy, advance DOL's mission, and improve its performance-based management initiatives in support of the Government Performance and Results Modernization Act of 2010. CEO's efforts also support the President's goal of building a transparent, high-performance government, as stated in the President's Budget as well as the OMB memo (M–09–20) on Building a High-Performance Government. Paperwork Reduction Act (PRA) packages submitted under this generic clearance will identify all relevant legal or administrative requirements that are specific to the study and data collection.

This generic information request on site visits supports timely evaluation data collection necessary to answer key research questions. Qualitative information collected from site visits is a critical data source that can: (1) describe program implementation issues, the context in which the program was implemented, program services, program management and costs; (2) describe the experiences of service providers at each of the study sites, including site perspectives on implementation challenges and intervention effects; (3) describe the experiences and responses of individuals participating in the program; (4) document the extent to which the program model was implemented as planned; and (5) understand the extent to which treatment and control or comparison groups received their intended services.

To obtain critical information, many DOL-sponsored evaluations require that the evaluator conduct the initial site visit within a short timeframe after sites have been recruited or have implemented a program or intervention. This generic clearance process on site visits, which DOL intends to request a period of 36 months, would help facilitate the quick launch and collection of this critical data in a timely manner while still allowing a meaningful opportunity for public engagement on the overall parameters of the information to be collected.

II. Desired Focus of Comments: Currently, the Department of Labor is soliciting comments concerning the above data collection for a generic clearance on site visits. DOL 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 information collection on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: At this time, the Department of Labor is developing a generic information request for site visits.

Type of review: New information collection request.

OMB Control Number: 1205–0NEW

Name: Department of Labor Generic Clearance for Site Visits

Affected Public: Individuals or Households; Private Sector—businesses or other for-profits and not-for-profit institutions; and State, local, and Tribal governments

Frequency: Approximately 40 studies a year

Average Annual Respondents: Approximately 13,600 to 27,200 responses a year

Average Time per Response: Range, 60 to 120 minutes, 90 minutes anticipated midpoint.

Average Annual Burden Hours: Approximately 47,200 to 94,400 hours a year over three years.

Average Annual Other Burden Cost: $0

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval; they will also become a matter of public record.

James H. Moore, Jr.,

Deputy Assistant Secretary for Policy, U.S. Department of Labor.

[FR Doc. 2013–17524 Filed 7–22–13; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Office of the Secretary of Labor

Notice of Final Determination Revising the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor Pursuant to Executive Order 13126

AGENCY: Bureau of International Labor Affairs, Labor.

ACTION: Notice of Final Determination.

SUMMARY: This final determination is the fourth revision of the list required by Executive Order 13126 (''Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor''), in accordance with the ''Procedural Guidelines for the Maintenance of the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor Under 48 CFR Subpart 22.15 and E.O. 13126.'' This notice revises the list by adding six products, identified by their countries of origin, Cattle from South Sudan, Dried Fish from Bangladesh, Fish from Ghana, Garments from Vietnam, and Gold and Wolframite from the Democratic Republic of the Congo, that the Departments of Labor, State and Homeland Security have a reasonable basis to believe might have been mined, produced or manufactured by forced or indentured child labor. Under a final rule of the Federal Acquisition Regulatory Councils, published January 18, 2001, which also implements Executive Order 13126, federal contractors who supply products which appear on this list are required to certify, among other things, that they have made a good faith effort to determine whether forced or indentured child labor was used to mine, produce or manufacture the item.

DATES: This document is effective immediately upon publication of this notice.

SUPPLEMENTARY INFORMATION:

I. Revised List of Products

On September 27, 2012, the Department of Labor (DOL), in consultation and cooperation with the Department of State (DOS) and the Department of Homeland Security (DHS), published a Notice of Initial Determination in the **Federal Register** proposing to revise the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor (''the EO List'') (77 FR 59418). The notice invited public comment through November 27, 2012. The initial determination can be accessed on the Internet at *http://www.dol.gov/ilab/programs/ocft/20120927EO13126FRN.pdf* or can be obtained from: Office of Child Labor, Forced Labor, and Human Trafficking (OCFT), Bureau of International Labor Affairs, Room S–5317, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–4843; fax: (202) 693–4830.

Of the five public comments that were received during the comment period, three comments—two of them from the same source—disagreed with the listing of Garments from Vietnam, but did not provide sufficient information to negate the basis for this proposed revision. The remaining comments did not discuss the revisions proposed in the initial determination.

Accordingly, based on recent, credible, and appropriately corroborated information from various sources, DOL, DOS, and DHS have concluded that there is a reasonable basis to believe that the following products, identified by their countries of origin, might have been mined, produced, or manufactured by forced or indentured child labor:

Product	Country
Cattle	South Sudan.
Dried Fish	Bangladesh.
Fish	Ghana.
Garments	Vietnam.
Gold	Democratic Republic of Congo.
Wolframite	Democratic Republic of Congo.

The bibliographies providing the basis for the three agencies' decisions on each product are available on the Internet at *http://www.dol.gov/ILAB/regs/eo13126/main.htm.*

II. Background

The first EO List was published on January 18, 2001 (66 FR 5353). The EO List was subsequently revised on July 20, 2010 (75 FR 42164); again on May 31, 2011 (76 FR 31365); and again on April 3, 2012 (77 FR 20051). This final determination is the fourth revision to the EO List.

EO 13126, which was published in the **Federal Register** on June 16, 1999 64 FR 32383), declared that it was ''the policy of the United States Government . . . that the executive agencies shall take appropriate actions to enforce the laws prohibiting the manufacture or importation of goods, wares, articles, and merchandise mined, produced or manufactured wholly or in part by forced or indentured child labor.'' Pursuant to EO 13126, and following public notice and comment, DOL published in the January 18, 2001 **Federal Register** a list of products, identified by their country of origin, that DOL, in consultation and cooperation with DOS and the Department of the Treasury [relevant responsibilities now within DHS] had a reasonable basis to believe might have been mined, produced or manufactured by forced or indentured child labor (66 FR 5353).

Pursuant to Section 3 of EO 13126, the Federal Acquisition Regulatory Council published a final rule in the **Federal Register** on January 18, 2001 providing, amongst other requirements, that federal contractors who supply products that appear on the EO List must certify to the contracting officer that the contractor, or, in the case of an incorporated contractor, a responsible official of the contractor, has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any product furnished under the contract and that, on the basis of those efforts, the contractor is unaware of any such use of child labor (48 CFR Subpart 22.15).

DOL also published on January 18, 2001 ''Procedural Guidelines for the Maintenance of the List of Products

Requiring Federal Contractor Certification as to Forced or Indentured Child Labor'' (''Procedural Guidelines''), which provide for maintaining, reviewing, and, as appropriate, revising the EO List. (66 FR 5351). The Procedural Guidelines provide that the EO List may be revised either through consideration of submissions by individuals or on the initiative of DOL, DOS and DHS. In either event, when proposing to revise the EO List, DOL must publish in the **Federal Register** a notice of initial determination, which includes any proposed alteration to the EO List. DOL, DOS and DHS consider all public comments prior to the publication of a final determination of a revised EO List.

III. Summary and Discussion of Significant Comments

The Bureau of International Labor Affairs (ILAB) in DOL received five comments during the public comment period. Of these, one was from a private citizen, two were from the Government of Vietnam's Ministry of Labour, Invalids, and Social Affairs, one was from the Vietnam Textile and Apparel Association, and one was from the Apparel Export Promotion Council of India. All comments are available for public viewing at *www.regulations.gov* (reference Docket ID No. DOL–2012–0005).

All comments have been carefully reviewed and considered, as discussed below.

A. Comments on Forced Child Labor in the Production of Garments in Vietnam

One commenter provided information on the laws in place on child labor and forced labor in Vietnam, the Government of Vietnam's enforcement of those laws, and other policies and programs in place in Vietnam to combat forced child labor, and argued that garments from Vietnam should not be added to the EO List. Enacting laws, meaningfully enforcing those laws, and establishing policies and programs are important components of any country's efforts to combat forced child labor. However, based on the evidence reviewed, there are more than isolated cases of forced child labor in garment production. These cases predominately occur in small, unregistered workplaces. In many countries, laws, policies and programs that are effective for registered factories are less effective at reaching children and other exploited workers in unregistered, more hidden work settings, and this appears to be the case in Vietnam's garment industry. Therefore, DOL, DOS and DHS continue to have a reasonable basis to believe that forced child labor is occurring based upon the sources in the bibliography.

The same commenter questioned the use of sources from 2009, stating that they contain outdated information and should not serve as the basis for a listing. Under the Procedural Guidelines, ILAB must consider the ''date of the information'' in evaluating sources documenting forced or indentured child labor. ILAB has chosen to use only information no more than 5 years old. More current information has been generally given priority. ILAB's experience is that the use of child labor and forced labor in a country or in the production of a particular good typically persists for many years. Information about such exploitive activities is often actively concealed. Information that is several years old therefore can still provide useful context for more current information. In the case of garments from Vietnam, ILAB research in 2008 and 2009 revealed a trend of forced child labor in the sector. Further ILAB research in 2011 and 2012 revealed additional recent and ongoing cases of forced child labor in the garment industry, confirming earlier research.

The same commenter expressed the view that the instances of forced child labor described in the bibliography for the EO List were individual cases that account for an insignificant portion of the garment industry workforce. In conducting research on forced child labor in the production of goods, DOL, DOS and DHS consider whether the available information suggests that the problem of forced child labor is significant in the industry and country in question. Among the criteria in the EO 13126 Procedural Guidelines are whether the information in the bibliography ''involved more than an isolated incident'' of forced or indentured child labor and the source of that information. (66 FR5351.) In placing garments from Vietnam on the EO List, 18 sources were used, including sources from the International Labor Organization (ILO), the DOS, and other organizations whose methodologies, prior publications, degree of familiarity and experience with international labor standards, and/or reputation for accuracy and objectivity were found to be relevant and probative. Referencing these 18 sources, the three agencies concluded that the incidents in recent years and in a number of different establishments were evidence of a trend of children, some trafficked to large cities from distant provinces, working under conditions of forced labor. This phenomenon appears to be occurring in more than an isolated incident.

Several commenters urged that incidents of forced child labor occurring in small, private manufacturing units should not be considered for purposes of the EO List. The EO List does not differentiate between forced child labor in smaller, unregistered work settings and forced child labor in larger, registered factories. EO 13126 covers all forced labor by children in the production of goods, including work performed in more hidden work settings and home-based workshops.

In January 2013, two DOL officials visited Vietnam to assess the current situation of forced child labor in Vietnam, with a focus on the garment sector, and gather additional information about the efforts and systems in place to combat this problem. The DOL officials held meetings and consultations with government officials, unions, and more than 15 international and non-governmental organizations (NGOs) working on child protection, trafficking in persons, and worker rights issues.

Discussions with NGOs and Government of Vietnam officials confirmed that most, but not all, child labor in the garment sector occurs in small, unregistered workshops. NGOs corroborated the original sources used for the listing of garments, confirming that child labor, including child trafficking, still occurs in this industry. Individuals and groups with whom the DOL officials spoke confirmed that systematic monitoring of forced or indentured child labor in the garment sector is limited and largely confined to the larger, registered factories. There is no evidence of systematic monitoring of child labor in smaller, unregistered workshops. These discussions are documented in the bibliography.

B. Comments on Forced Child Labor in the Production of Garments in India

One commenter requested that garments from India be removed from the EO List. A product is removed from the EO List if there is a significant reduction or elimination of forced or indentured child labor in the manufacture of the listed product in that country. This commenter provided information on laws, policies, and programs of the Government of India, as well as industry efforts and NGO initiatives to combat child labor. As many of these laws and policies were only recently enacted, there is not yet adequate available information to evaluate their effectiveness in reducing forced child labor. The three agencies will continue to monitor the implementation of these new initiatives

for possible future revisions of the EO List.

The commenter also requested that Indian garments be removed from the EO List because a survey by the Government of India's National Sample Survey Organization found a significant reduction in child labor in India in recent years. While this survey appears to show an overall reduction in child labor in India, it does not address whether there has been a corresponding reduction in forced or indentured child labor, which is the subject of the EO List. Likewise, the survey does not address whether the generalized reduction has had an impact on child labor in the garment industry, or whether the reduction is primarily in other sectors.

This commenter argued that any use of forced child labor in garments produced for the Indian market, rather than for export, should not be considered for purposes of the EO List. The commenter pointed to third-party certification programs as evidence that forced child labor does not exist in export-oriented garment factories, and claimed that the sources used to place garments on the EO List are ''not applicable'' to the export side of the industry. EO 13126 requires that goods are placed on the EO List if there is a reasonable basis to believe that forced child labor might have been used in the industry and country in question. Whether such labor is occurring in production of goods destined for export or domestic markets is not taken into consideration. Governments and other stakeholders have a responsibility to address forced child labor wherever it occurs.

The commenter asserted that Indian garments were placed on the EO List because yarn produced in the garment supply chain may have been made with forced or indentured child labor. This comment appears to misunderstand the sources in the bibliography. Every source for Indian garments discusses the use of forced or indentured child labor in the production of garments, and inclusion of Indian garments on the EO List was not based on activity in the supply chain.

The commenter argued that the instances of forced child labor identified in the sources are not representative of the garment industry in India as a whole. In conducting research on forced child labor in the production of goods, DOL, DOS and DHS consider whether the available information suggests that the forced or indentured child labor documented is more than an isolated incident. In the case of Indian garments, the sources document the practice of forced child labor occurring in various locations. Corroborated sources point to a proliferation of home-based work and small, un-registered production units that perform outsourced work such as printing and dyeing, where child labor is prevalent. Many of these children are migrants working to repay advances given to their parents, an indicator of forced labor. Many of these children work long hours under poor conditions, are subject to verbal and physical abuse, and their freedom of movement is severely restricted—another indicator of forced labor. These sources are corroborated by other credible sources, giving the three agencies a reasonable basis to believe that the use of forced child labor in the garment industry is more than isolated.

The commenter expressed the view that some of the sources are unreliable. In placing garments from India on the EO List, DOL, DOS and DHS relied upon sources whose methodologies, prior publications, degree of familiarity and experience with international labor standards, and/or reputation for accuracy and objectivity were found to be relevant and probative. Individual sources are corroborated by other evidence in the bibliography and should not be viewed in isolation. Taken as a whole, the bibliography which includes studies conducted by Verite, Inc., the Fair Labor Association, and the University of Manchester Chronic Poverty Research Centre, is sufficient to provide the three agencies a reasonable basis to believe that forced child labor might be used in the production of Indian garments.

Finally, the commenter noted that it did not have access to two of the sources cited for Indian garments, namely interviews with certain key informants. DOL will provide copies of those interviews to the commenter following the publication of this final notice. All of DOL's sources are publicly available from DOL upon request and/or from the original author.

Signed at Washington, DC, this 15th day of July, 2013.

Carol Pier,

Acting Deputy Undersecretary, Bureau of International Labor Affairs.

[FR Doc. 2013–17520 Filed 7–22–13; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c) (2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the Annual Refiling Survey (ARS). A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before September 23, 2013.

ADDRESSES: Send comments to Carol Rowan, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Carol Rowan, BLS Clearance Officer, 202–691–7628 (this is not a toll free number). (See Addresses section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Quarterly Census of Employment and Wages (QCEW) program is a Federal/State cooperative effort which compiles monthly employment data, quarterly wages data, and business identification information from employers subject to State Unemployment Insurance (UI) laws. These data are collected from State Quarterly Contribution Reports (QCRs) submitted to State Workforce Agencies (SWAs). The States send micro-level employment and wages data, supplemented with the names,

addresses, and business identification information of these employers, to the BLS. The State micro-level data files are used to create the BLS sampling frame, known as the longitudinal QCEW data.

To ensure the continued accuracy of these data, the information supplied by employers must be periodically verified and updated. For this purpose, the Annual Refiling Survey (ARS) is used in conjunction with the UI tax reporting system in each State. The information collected on the ARS is used to review the existing industry code assigned to each establishment as well as the physical location of the business establishment. As a result, changes in the industrial and geographical compositions of our economy are captured in a timely manner and reflected in the BLS statistical programs.

The ARS also asks employers to identify new locations in the State. If these employers meet QCEW program reporting criteria, then a Multiple Worksite Report (MWR) is sent to the employer requesting employment and wages for each worksite each quarter. Thus, the ARS is also used to identify new potential MWR-eligible employers.

II. Current Action

Office of Management and Budget clearance is being sought for a revision of the ARS. While the primary purpose of the ARS is to verify or to correct the North American Industry Classification System (NAICS) code assigned to establishments, there are other important purposes of the ARS. The ARS seeks accurate mailing and physical location addresses of establishments as well as geographical codes such as county and township (independent city, parish, or island in some States). The BLS and the Census Bureau signed a Memorandum of Understanding in 2012 to share selected business data on multi-location companies. Both the BLS and the Census Bureau compile and maintain censuses of business establishments in the United States that contain economic and administrative data for nearly all businesses in the United States. A key aspect of data quality is that businesses include accurate NAICS and geographic categorizations. Both agencies have reviewed each other's business lists and have identified information that can improve the quality and comparability of these data. Specifically, information from the ARS will be used to verify NAICS codes independently and to provide these to the Census Bureau to improve data quality and reduce costs and respondent burden through increased data sharing.

Once every three years, the SWAs survey employers that are covered by the State's UI laws to ensure that State records correctly reflect the business activities and locations of those employers. The QCEW program sends an ARS form to approximately one-third of businesses each year, surveying the entire universe of covered businesses over a three-year cycle. The selection criterion for surveying establishments is based on the nine-digit Federal Employer Identification Number of the respondent.

The ARS remains largely a mail survey, although steps have been taken to reduce the amount of paperwork involved in responding to the survey. For example, BLS staff review selected, large multi-worksite national employers rather than surveying these employers with traditional ARS forms. This central review reduces postage costs incurred in sending ARS forms. It also reduces respondent burden, as the selected employers do not have to submit ARS forms.

Single-worksite employers have been identified as potential users of the BLS Touchtone Response System (TRS). Employers can use the TRS if they meet certain conditions and there are no changes to specific data elements based upon the employer's review. The TRS reduces respondent burden because it is quick, free, and convenient. It also allows respondents to help BLS reduce survey costs because they do not return the form in the business reply envelope provided. All States are using the TRS in conducting the ARS.

Building on the success of the TRS, the BLS added online reporting options for the ARS. Respondents have the option to provide their information via a secure Web site. Respondents are still able to mail their returns if they so desire or they can use the TRS if eligible and if they have no changes to report.

Finally, BLS continues to use a private contractor to handle various administrative aspects of the survey to reduce the costs associated with the ARS. This initiative is called the Contracted Annual Refiling Survey (CARS). Under CARS, BLS effectively utilizes the commercial advantages related to printing, stuffing, and mailing large volumes of survey forms.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Annual Refiling Survey (ARS).

OMB Number: 1220–0032.

Affected Public: Business or other for-profit institutions, not-for-profit institutions, and farms.

Frequency: Annually.

Form number	Total respondents	Frequency	Total responses	Average time per response	Total burden (hours)
BLS 3023–(NVS)	1,407,614	Once	1,407,614	5 minutes	117,301
BLS 3023–(NVM)	39,483	Once	39,483	15 minutes	9,871
BLS 3023–(NCA)	158,818	Once	158,818	10 minutes	26,470
Totals:	1,605,915		1,605,915		153,642

Total Burden Cost (Capital/Startup): $0.

Total Burden Cost (Operating/Maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of

Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 17th day of July, 2013.

Kimberley Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2013–17578 Filed 7–22–13; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0006]

Advisory Committee on Construction Safety and Health (ACCSH)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Announcement of a meeting of ACCSH.

SUMMARY: ACCSH will meet August 22–23, 2013, in Washington, DC.

DATES:

ACCSH meeting: ACCSH will meet from 10:00 a.m. to 1:00 p.m., E.T., Thursday, August 22, 2013, and Friday, August 23, 2013.

Written comments, requests to speak, speaker presentations, and requests for special accommodation: You must submit (postmark, send, transmit) comments, requests to address the ACCSH meeting, speaker presentations (written or electronic), and requests for special accommodations for the ACCSH meeting by August 15, 2013.

ADDRESSES: *ACCSH meeting:* ACCSH will meet in Room C–5515, 1A–B, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Submission of comments, requests to speak, and speaker presentations: You may submit comments, requests to speak at the ACCSH meeting, and speaker presentations using one of the following methods:

Electronically: You may submit materials, including attachments, electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the on-line instructions for submissions.

Facsimile (Fax): If your submission, including attachments, does not exceed 10 pages, you may fax it to the OSHA Docket Office at (202) 693–1648.

Regular mail, express mail, hand delivery, or messenger (courier) service: You may submit your materials to the OSHA Docket Office, Docket No. OSHA–2013–0006, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350 (TTY (877) 889–5627). OSHA's Docket Office accepts deliveries (hand deliveries, express mail, and messenger service) during normal business hours, 8:15 a.m.–4:45 p.m., E.T., weekdays.

Requests for special accommodations: Please submit your request for special accommodations to attend the ACCSH meeting to Ms. Frances Owens, OSHA, Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *owens.frances@dol.gov.*

Instructions: Your submissions must include the agency name and docket number for this **Federal Register** notice (Docket No. OSHA–2013–0006). Due to security-related procedures, submissions by regular mail may experience significant delays. Please contact the OSHA Docket Office for information about security procedures for making submissions. For additional information on submitting comments, requests to speak, and speaker presentations, see the **SUPPLEMENTARY INFORMATION** section of this notice.

OSHA will post comments, requests to speak, and speaker presentations, including any personal information you provide, without change, at *http://www.regulations.gov.* Therefore, OSHA cautions you about submitting personal information such as Social Security numbers and birthdates.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *meilinger.francis2@dol.gov.*

For general information about ACCSH and ACCSH meetings: Mr. Damon Bonneau, OSHA, Directorate of Construction, Room N–3468, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2020; email *bonneau.damon@dol.gov.*

SUPPLEMENTARY INFORMATION:

ACCSH Meeting

ACCSH will meet August 22–23, 2013, in Washington, DC. Some ACCSH members will attend the meeting by teleconference. The meeting is open to the public.

ACCSH advises the Secretary of Labor and Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) in the formulation of standards affecting the construction industry, and on policy matters arising in the administration of the safety and health provisions under the Contract Work Hours and Safety Standards Act (Construction Safety Act (CSA)) (40 U.S.C. 3701 *et seq.*) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*) (see also 29 CFR 1911.10 and 1912.3). In addition, the OSH Act and CSA require that OSHA consult with ACCSH before the Agency proposes any occupational safety and health standard affecting construction activities (29 CFR 1911.10; 40 U.S.C. 3704).

The tentative agenda for this meeting includes:

- Assistant Secretary's Agency update and remarks;
- Directorate of Construction update on rulemaking projects;
- National Institute for Occupational Safety and Health (NIOSH) update;
- Discussion of OSHA's Temporary Worker initiatives;
- Discussion of the 2-hour introduction to the OSHA 10-hour and 30-hour training courses;
- ACCSH's consideration of, and recommendations on, the following OSHA proposed rules affecting construction activities:
  - The following 12 items from the proposed Standards Improvement Project IV:

—Replace the definitions of ''employee'' and ''employer'' in 29 CFR 1926.32 with the definitions of those terms found in 29 CFR 1910.2;

—Correct and reformat table at 29 CFR 1926.55 (Threshold Limit Values) for clarity and consistency with its counterpart in the general industry standard at 29 CFR 1910.1000;

—Standardize break-strength requirements for lanyards and lifelines throughout the construction and general industry standards of 29 CFR parts 1910 and 1926;

—Clarify the excavation requirements at 29 CFR 1926.651(j)(1) and (2)—keeping loose rock and soil, and equipment and materials, away from the edge of excavations;

—Update the 29 CFR 1926.50 requirement to post emergency medical contact information in locations without 911 emergency services;

—Replace the 29 CFR 1926.64 requirements for process safety management of highly hazardous chemicals with a cross reference to the general industry regulations at 29 CFR 1910.119;

—Replace the outdated 29 CFR subpart W (Rollover Protective Structures; Overhead Protection) requirements

with cross references to appropriate consensus standards;
—Amend the 29 CFR 1926.250(a)(2) requirement to post maximum safe-load limits for buildings under construction to exempt single family dwellings;
—Update the Definition of ''Potable water'' in 29 CFR 1926.51(a)(6) with the newer language found in the general industry standard at 29 CFR 1910.141(a)(2);
—Clarify the rules that a physician or other licensed health care professional must use to make a determination that a hearing-loss case is not work-related under 29 CFR 1904.10(b)(6);
—Remove requirements for chest x-rays in certain health standards, such as cadmium and inorganic arsenic, that affect construction employees; and
—Revisions to the x-ray requirements in the Asbestos standard at 29 CFR 1926.1101.

• Public comment period.

OSHA transcribes ACCSH meetings and prepares detailed minutes of meetings. OSHA places the transcript and minutes in the public docket for the meeting. The docket also includes speaker presentations, comments, and other materials submitted to ACCSH.

Public Participation, Submissions, and Access to Public Record

ACCSH meetings: All ACCSH meetings are open to the public. Individuals attending meetings at the U.S. Department of Labor must enter the building at the visitors' entrance, 3rd and C Streets NW., and pass through building security. Attendees must have valid government-issued photo identification (such as a driver's license) to enter the building. For additional information about building security measures for attending ACCSH meetings, please contact Ms. Owens (see **ADDRESSES** section).

Individuals needing special accommodations to attend the ACCSH meeting should contact to Ms. Owens as well.

Submission of written comments: You may submit comments using one of the methods identified in the **ADDRESSES** section. Your submissions must include the Agency name and docket number for this ACCSH meeting (Docket No. OSHA–2013–0006). OSHA will provide copies of submissions to ACCSH members.

Because of security-related procedures, submissions by regular mail may experience significant delays. For information about security procedures for submitting materials by hand delivery, express mail, and messenger or courier service, please contact the OSHA Docket Office (see **ADDRESSES** section).

Requests to speak and speaker presentations: If you want to address ACCSH at the meeting you must submit your request to speak, as well as any written or electronic presentation, by August 15, 2013, using one of the methods listed in the **ADDRESSES** section. Your request must state:

• The amount of time requested to speak;

• The interest you represent (e.g., business, organization, affiliation), if any; and

• A brief outline of your presentation.

PowerPoint presentations and other electronic materials must be compatible with PowerPoint 2010 and other Microsoft Office 2010 formats.

The ACCSH Chair may grant requests to address ACCSH as time and circumstances permit.

Public docket of the ACCSH meeting: OSHA will place comments, requests to speak, and speaker presentations, including any personal information you provide, in the public docket of this ACCSH meeting without change, and those documents may be available online at *http://www.regulations.gov.* Therefore, OSHA cautions you about submitting personal information such as Social Security numbers and birthdates.

OSHA also places in the public docket the meeting transcript, meeting minutes, documents presented at the ACCSH meeting, and other documents pertaining to the ACCSH meeting. These documents are available online at *http://www.regulations.gov.*

Access to the public record of ACCSH meetings: To read or download documents in the public docket of this ACCSH meeting, go to Docket No. OSHA–2013–0006 at *http://www.regulations.gov.* The *http://www.regulations.gov* index also lists all documents in the public record for this meeting; however, some documents (e.g., copyrighted materials) are not publicly available through that Web page. All documents in the public record, including materials not available through *http://www.regulations.gov,* are available for inspection and copying in the OSHA Docket Office (see **ADDRESSES** section). Please contact the OSHA Docket Office for assistance in making submissions to, or obtaining materials from, the public docket.

Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant information, also are available on the OSHA Web page at *http://www.osha.gov.*

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by 29 U.S.C. 656; 40 U.S.C. 3704; 5 U.S.C. App. 2; 29 CFR parts 1911 and 1912; 41 CFR part 102; and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC on July 18, 2013.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2013–17674 Filed 7–22–13; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 13–085]

Notice of Intent To Grant Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant Exclusive License.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive, copyright-only license world-wide to software and its documentation described in NASA Case Nos. ARC–16406–1C entitled ''APT (Analysis, Planning & Tracking) 'Database in a Box' '';

NASA Case No. ARC–16507–1 entitled ''Quarterly Reporting Display Tool (QuRDT)'';

NASA Case No. ARC–16627–1 entitled ''FTE Labor Tracker''; and NASA Case No. ARC–16693–1 entitled ''Project Tracking Tool (or PTT)'', to Sigma Squared Decisions Inc., having its principal place of business at 830 Kuhn Drive, Suite 212463, Chula Vista, CA 91921. The copyright in the software and documentation have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the

grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Ames Research Center, Mail Stop 202A–4, Moffett Field, CA 94035–1000. (650) 604–5104; Fax (650) 604–2767.

FOR FURTHER INFORMATION CONTACT: Robert M. Padilla, Chief Patent Counsel, Office of Chief Counsel, NASA Ames Research Center, Mail Stop 202A–4, Moffett Field, CA 94035–1000. (650) 604–5104; Fax (650) 604–2767. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov/*.

Sumara M. Thompson-King,

Deputy General Counsel.

[FR Doc. 2013–17612 Filed 7–22–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 13–084]

Notice of Intent To Grant Partially Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant Partially Exclusive License.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant a partially exclusive license in the United States to practice the invention described and claimed in U.S. Patent No. 7,801,687 entitled ''Chemical Sensors Using Coated Or Doped Carbon Nanotube Networks''; U.S. Patent No. 7,623,972 entitled ''Detection of Presence of Chemical Precursors''; U.S. Patent No. 7,968,054 entitled ''Nanostructure Sensing and Transmission of Gas Data; U.S. Patent No. 8,000,903 entitled ''Coated or Doped Carbon Nanotube Network Sensors as Affected by Environmental Parameters; ARC–16902–1, entitled ''Nanosensor Array for Medical Diagnoses''; ARC–16292–1, entitled ''Nanosensor/Cell Phone Hybrid for Detecting Chemicals and Concentrations''; to Nanobeak Inc., having its principal place of business at 575 Madison Avenue, 10th Floor, New York, NY 10022–2511. The patent rights in this invention have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective partially exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated partially exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Ames Research Center, Mail Stop 202A–4, Moffett Field, CA 94035–1000. (650) 604–5104; Fax (650) 604–2767.

FOR FURTHER INFORMATION CONTACT Robert M. Padilla, Chief Patent Counsel, Office of Chief Counsel, NASA Ames Research Center, Mail Stop 202A–4, Moffett Field, CA 94035–1000; (650) 604–5104; Fax (650) 604–2767. Information about other NASA inventions available for licensing can be accessed online at: *http://technology.nasa.gov/*.

Sumara M. Thompson-King,

Deputy General Counsel.

[FR Doc. 2013–17613 Filed 7–22–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Establish an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and Request for Comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request establishment of this information collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than three years.

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; and (d) ways to minimize the burden of the collection of information of respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be received by September 23, 2013, 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 Boulevard, Room 295, Arlington, VA 22230, or by email to *splimpton@nsf.gov*.

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send email to *splimpton@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 wee, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION: *Title of Collection:* Advancing Informal Science Learning Evaluation

OMB Number: 3145–NEW.

Expiration Date of Approval: Not applicable

Type of request: Establishing.

Abstract: Advancing Informal Science Learning (AISL), formerly titled Informal Science Education (ISE) program, is an NSF program that supports innovation in anywhere, anytime, lifelong learning, through

investments in research, development, infrastructure, and capacity-building for science, technology, engineering and mathematics (STEM) learning outside formal school settings. Informal science experiences can serve to spark young people's interest in pursuing careers in STEM fields as well as to improve public engagement with STEM, contributing to science learning for most citizens. For over 40 years, NSF AISL has supported efforts to engage the public in science and science learning. Since the last major evaluation of the AISL program (COSMOS Corporation, 1998), the program has taken strategic steps to support the growing maturation of the informal science field, including field-wide resources, such as the InformalScience.org Web site and the Center for the Advancement of Informal Science Education. The program's grant solicitations have reflected a growing professionalization for the informal science community with new expectations for rigorous research and evaluation on implementation and outcomes.

The AISL program evaluation will characterize changes in the informal science arena since 1999 and delineate the role in those changes of the AISL program between 1999 and 2010. The evaluation will do so by analyzing AISL-funded projects over that time frame, attending in particular to the impact on informal science infrastructure, the rigor of individual project evaluations, the learning outcomes for diverse audiences, and the features of exemplary projects. The AISL program evaluation will employ a mixed-method approach including extensive document review of solicitations, proposals, reports, and published literature; qualitative and quantitative analyses of surveys and interviews with researchers and practitioners in the field; and case studies of influential projects, initiatives, and ideas. This information collection request will include a survey instrument for principal investigators of past and current AISL projects, a survey instrument for project evaluators, and protocols for follow-up interviews with a sample of principal investigator and evaluator survey respondents.

Estimate of Burden

Respondents: Individuals

Frequency: One time

Estimated Number of Respondents: PIs and evaluator surveys will be administered to individuals associated with a sample of 200 (of 703 funded) projects. In addition, 20 PIs and 20 evaluators will be purposively sampled from survey respondents for interviews.

Estimated Burden Hours on Respondents: The following aspects of the data collection add to respondent burden: (1) One-time administration of surveys to ISE-funded PIs and project evaluators, and (2) interviews with them. SRI anticipates that, including reading notification emails and consent forms, participating in the Web-based surveys will require 0.5 hour (30 minutes) on average of each respondent's time. Average completion time is estimated because completion time may vary significantly according to the duration and complexity of an individual's involvement with the NSF ISE program. SRI estimates that respondents who have a long history with the NSF program may take much longer to complete the survey, while a PI or evaluator who has worked on one or two projects may complete it in well under 30 minutes. Average interview participation will require no more than 60 minutes of each respondent's time. Respondents will not incur any equipment, postage, or travel costs. A total of 140 one-time burden hours are estimated for the study. There are no annually recurring burden hours.

Dated: July 18, 2013.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2013–17639 Filed 7–22–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Adrian Dahood, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On June 3, 2013 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on July 18, 2013 to: Dr. Jennifer Burns; Permit No. 2014–003.

Nadene G. Kennedy,

Division of Polar Programs.

[FR Doc. 2013–17640 Filed 7–22–13; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0159]

Nuclear Regulatory Commission Enforcement Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Enforcement policy; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is conducting an assessment and seeking stakeholder views on issues relating to a potential revision to the Enforcement Policy regarding issuance of orders banning individuals from NRC-licensed activities for less than 1 year and expanding the use of civil penalties in cases involving deliberate misconduct by individuals.

DATES: Submit comments by September 23, 2013. Comments received after this date will be considered if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0159. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN–6A44MP, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: John R. Wray, Office of Enforcement, U.S.

Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1288; email: *John.Wray@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0159 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0159.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The Enforcement Policy is available in ADAMS under Accession No. ML12340A295.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Public Web site:* Go to *http://www.nrc.gov* and select ''Public Meetings and Involvement,'' then ''Enforcement,'' and then ''Enforcement Policy.''

B. Submitting Comments

Please include Docket ID NRC–2013–0159 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

In SECY–12–0047, ''Revisions to the Nuclear Regulatory Commission Enforcement Policy,'' dated March 28, 2012 (ADAMS Accession No. ML12045A025), the staff recommended that the Commission approve the staff's plan to revise the Enforcement Policy with specific modifications which addressed items from Staff Requirements Memorandum (SRM), ''Staff Requirements—SECY–09–0190—Major Revision to NRC Enforcement Policy,'' dated August 27, 2010 (ADAMS Accession No. ML102390327). The staff also indicated in SECY–12–0047 that it was considering the merits and potential implications of expanding the use of civil penalties in cases involving deliberate misconduct by individuals (licensed or unlicensed) and of issuing orders banning individuals (licensed or unlicensed) for less than 1 year, and that, based on its evaluation, the staff might propose to the Commission future changes to the Enforcement Policy. In SRM–SECY–12–0047, ''Revisions to the Nuclear Regulatory Commission Enforcement Policy,'' dated November 28, 2012 (ADAMS Accession No. ML12333A301), the Commission approved the staff's proposed Enforcement Policy changes and, in addition, directed the staff to evaluate potential future revisions of the Enforcement Policy regarding issuance of orders banning individuals from NRC-licensed activities for periods of less than 1 year and expanding the use of civil penalties in cases involving deliberate misconduct by individuals. The Commission stated that the staff should carefully consider the potential implications and potential benefits of such revisions to the NRC Enforcement program, including:

- The risk of diminishing the impact of imposing a ban, or imposing civil penalties so small that they downplay the seriousness of a violation;
- The difficulty in maintaining the clarity, consistency, and certainty of the process while attempting to weigh different sets of circumstances to determine appropriate periods of time for such bans; and
- The fact that a ban of any length of time may have serious consequences for the individual who is banned.

III. Discussion

The NRC staff is considering the merits and potential implications associated with revising the Enforcement Policy to endorse expanding the use of civil penalties in cases involving deliberate misconduct by individuals and issuance of orders banning individuals from NRC-licensed activities for less than 1 year. As described in Section 4.0 of the Enforcement Policy, the NRC considers taking enforcement action against individuals who engage in deliberate misconduct that causes a licensee to be in violation of the regulations, an order, or the terms and conditions of an NRC license. In addition, the NRC considers taking enforcement action against individuals (licensed or unlicensed) to whom the NRC has issued an order that the individual subsequently violated. If enforcement action is taken against an individual, the staff normally issues either a notice of violation (NOV) or an order prohibiting involvement in NRC-licensed activities (i.e., a ban). Except in cases involving violations of Section 206 of the Energy Reorganization Act of 1974, the NRC normally does not impose civil penalties against individuals, consistent with a basic tenet in Section 4.0 of the Enforcement Policy that licensees are held responsible for acts of their employees. However, under section 234 of the Atomic Energy Act of 1954, as amended, the NRC has the authority to impose civil penalties on individuals who violate the NRC's deliberate misconduct rule.

The initial determination of the duration of a ban is normally based on the significance of the underlying violation and the individual's level of responsibility in the organization. When the NRC has, in the past, deemed that banning an individual was warranted, the length of the ban has typically been for 1, 3, or 5 years, although longer bans have been used in particularly egregious cases. However, the Enforcement Policy does not provide that level of specificity but, instead, merely states that normally the period of suspension would not exceed 5 years.

The staff acknowledges that a ban of a year or more can have a significant effect on the responsible individual's livelihood, and that there is a significant disparity between the impacts of an

NOV and a 1-year ban. Therefore, the staff believes that, depending on the significance of an individual's actions, the use of other sanctions in individual enforcement actions warrants further review. For example, two possible alternatives whose impacts would fall between those of an NOV and a 1-year ban could be issuing a civil penalty or a ban of 6 months.

Therefore, the staff intends to evaluate advantages and disadvantages of expanding the use of civil penalties in cases involving deliberate misconduct by individuals and of issuing bans for less than 1 year. In considering these options, the staff is soliciting public comment on both the concept and possible specifics related to a potential revision to the Enforcement Policy and other program documents describing these alternatives. Specifically, the staff is seeking stakeholder input including but, not limited to, the following:

- Given that an individual who has engaged in deliberate misconduct is offered the opportunity to participate in the NRC's Alternative Dispute Resolution (ADR) process, in which modifications to an individual sanction can include a ban for less than 1 year or a civil penalty, is there a benefit to modifying the Enforcement Policy?
- When individual action is deemed necessary, how should the NRC determine whether that action should be an NOV, a civil penalty, or a ban?
- What is the risk of an employer simply ''reimbursing'' an individual for a civil penalty if production is put ahead of safety? Should the NRC be concerned with such a potential and, if so, how would it be mitigated?
- Regarding the amount of a civil penalty issued to individuals, how can the NRC assure that the Enforcement Policy would be applied in a fair and consistent manner? Specifically, how should the amount of a civil penalty be determined? Should a set individual civil penalty amount be used, or should the individual civil penalty amount be calculated based on specific factors:
  - If a set individual civil penalty amount should be used, what would be the appropriate amount? Would it be fair to propose the same civil penalty amount on individuals regardless of salaries?
  - If a variable individual civil penalty amount should be used, what factors (e.g. salary level of individual, safety significance of violation, benefit or hardship to the individual, etc.) should be considered, and how should they be included in the calculation?
- With respect to the use of either civil penalties or bans for less than 1 year, would there be any unintended consequences the NRC should consider? If so, provide examples.

Based on the written comments received from stakeholders, the staff may conduct a public meeting to provide for further discussions. The NRC will use any public input received as part of its evaluation to determine the merits and potential implications of expanding the use of civil penalties in cases involving deliberate misconduct by individuals and of issuing bans for less than 1 year, including the feasibility of developing criteria to ensure their fair and consistent application. Following its evaluation, the staff may propose changes to the Enforcement Policy to the Commission for its consideration.

Dated at Rockville, Maryland, this 16th day of July 2013.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Director, Office of Enforcement.

[FR Doc. 2013–17641 Filed 7–22–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0158]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

Background

Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC) is publishing this regular biweekly notice. The Act requires that the Commission publish notice of any amendments issued or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from June 27, 2013 to July 10, 2013. The last biweekly notice was published on July 9, 2013 (78 FR 41118).

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2103–0158. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN–06A–44MP, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0158 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0158.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. Documents may be viewed in ADAMS by performing a search on the document date and docket number.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0158 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS, and the NRC does not edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. NRC regulations are accessible electronically from the NRC Library on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested

governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov*, or by telephone at 301–415–1677, to request (1) a digital information (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*. System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by email at *MSHD.Resource@nrc.gov*, or by a toll-free call at 1–866 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/*, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the following three factors in 10 CFR 2.309(c)(1): (i) the information upon which the filing is based was not previously available, (ii) the information upon which the filing is based is materially different from information previously available, and (iii) the filing has been submitted in a timely fashion based on the availability of the subsequent information.

For further details with respect to this license amendment application, see the application for amendment which is available for public inspection at the

NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*.

Entergy Nuclear Operations, Inc., Docket Nos. 50–247 and 50–286, Indian Point Nuclear Generating Unit Nos. 2 and 3, Westchester County, New York

Date of amendment request: May 23, 2013.

Description of amendment request: The proposed change would modify Technical Specifications (TS) to risk-inform requirements regarding selected Required Action End States. Specifically, the proposed change would permit an end state of Mode 4 rather than an end state of Mode 5 contained in the current TS. The proposed changes are consistent with NRC-approved Technical Specification Task Force (TSTF) Technical Change Traveler 432–A Revision 1, ''Change in Technical Specifications End States WCAP–16294.'' This traveler revised the Improved Standard Technical Specifications.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change modifies the end state (e.g., mode or other specified condition) which the Required Actions specify must be entered if compliance with the Limiting Conditions for Operation (LCO) is not restored. The requested Technical Specifications (TS) permit an end state of Mode 4 rather than an end state of Mode 5 contained in the current TS. In some cases, other Conditions and Required Actions are revised to implement the proposed change. Required Actions are not an initiator of any accident previously evaluated. Therefore, the proposed change does not affect the probability of any accident previously evaluated. The affected systems continue to be required to be operable by the TS and the Completion Times specified in the TS to restore equipment to operable status or take other remedial Actions remain unchanged. WCAP–16294–NP–A, Rev. 1, ''Risk-Informed Evaluation of Changes to Tech Spec Required Action End states for Westinghouse NSSS PWRs,'' demonstrates that the proposed change does not significantly increase the consequences of any accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change modifies the end state (e.g., mode or other specified condition) which the Required Actions specify must be entered if compliance with the LCO is not restored. In some cases, other Conditions and Required Actions are revised to implement the proposed change. The change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the change does not impose any new requirements. The change does not alter assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change modifies the end state (e.g., mode or other specified condition) which the Required Actions specify must be entered if compliance with the LCO is not restored. In some cases, other Conditions and Required Actions are revised to implement the proposed change. Remaining within the Applicability of the LCO is acceptable because WCAP–16294–NP–A demonstrates that the plant risk in MODE 4 is similar to or lower than MODE 5. As a result, no margin of safety is significantly affected.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William C. Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Robert Beall, Acting.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: March 26, 2013.

Description of amendment request: The amendment request would incorporate the NRC-approved Technical Specifications Task Force (TSTF) change traveler TSTF–431, Revision 3, ''Change in Technical Specifications End States (BAW–2441),'' and modify the Technical Specification (TS) requirements for end states associated with the implementation of the approved B&W Owners Group (B&WOG) Topical Report BAW–2441–A, Revision 2, ''Risk-Informed Justification for LCO End-State Changes,'' January 2004, as well as Required Actions revised by a specific Note in TSTF–431, Revision 3. The TS Actions End States modifications would permit, for some systems, entry into a hot shutdown (Mode 4) end state rather than a cold shutdown (Mode 5) end state that is the current TS requirement.

The NRC issued a ''Notice of Availability of the Models for Plant-Specific Adoption of Technical Specifications Task Force (TSTF) Traveler TSTF–431, Revision 3, 'Change in Technical Specifications End States (BAW–2441),' '' in the **Federal Register** on December 6, 2010 (75 FR 75705–75706), which included the no significant hazards consideration, safety evaluation, and required commitments for the proposed changes as part of the consolidated line item improvement process (CLIIP).

In its application dated March 26, 2013, the licensee has concluded that the technical basis presented in the TSTF proposal and the safety evaluation are applicable to Arkansas Nuclear One, Unit 1, and the proposed amendment is consistent with the Standard Technical Specifications (STS) changes described in TSTF–431, Revision 3, but with certain variations and/or deviations from TSTF–431, Revision 3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change allows a change to certain required end states when the Technical Specification (TS) Completion Times (CTs) for remaining in power operation are exceeded. Most of the requested TS changes are to permit an end state of hot shutdown (Mode 4) rather than an end state of cold shutdown (Mode 5) contained in the current TS. The request was limited to: 1) those end states where entry into the shutdown mode is for a short

interval, 2) entry is initiated by inoperability of a single train of equipment or a restriction on a plant operational parameter, unless otherwise stated in the applicable TS, and 3) the primary purpose is to correct the initiating condition and return to power operation as soon as is practical. Risk insights from both the qualitative and quantitative risk assessments were used in specific TS assessments. Such assessments are documented in Sections 4 and 5 of BAW–2441–A, Revision 2, ''Risk Informed Justification for LCO end-state Changes,'' for B&W Plants. The assessments provide an integrated discussion of deterministic and probabilistic issues, focusing on specific TSs, which are used to support the proposed TS end state and associated restrictions. The staff finds that the risk insights support the conclusions of the specific TS assessments. Therefore, the probability of an accident previously evaluated is not significantly increased, if at all. The consequences of an accident after adopting proposed TSTF–431, Revision 3, are no different than the consequences of an accident prior to its adoption. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). If risk is assessed and managed, allowing a change to certain required end states when the TS Completion Times for remaining in power operation are exceeded; i.e., entry into hot shutdown rather than cold shutdown to repair equipment, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change and the commitment by the licensee to adhere to the guidance in TSTF–IG–07–01, Implementation Guidance for TSTF–431, Revision 1, ''Changes in Technical Specifications end states, BAW–2441–A,'' will further minimize possible concerns.

Therefore, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change allows, for some systems, entry into hot shutdown rather than cold shutdown to repair equipment, if risk is assessed and managed. The B&WOG's risk assessment approach is comprehensive and follows staff guidance as documented in [NRC Regulatory Guide (RG) 1.174, Revision 1, ''An Approach For Using Probabilistic Risk Assessment In Risk-Informed Decisions On Plant-Specific Changes To The Licensing Basis,'' November 2002, and RG 1.177, ''An Approach For Plant-Specific, Risk-Informed Decision Making: Technical Specifications,'' August 1998]. In addition, the analyses show that the criteria of the three-tiered approach for allowing TS changes are met. The risk impact of the proposed TS changes was assessed following the three-tiered approach recommended in RG 1.177. A risk assessment was performed to justify the proposed TS changes. The net change to the margin of safety is insignificant.

Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Associate General Council—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Michael T. Markley.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2 (ANO–2), Pope County, Arkansas

Date of amendment request: December 17, 2012.

Description of amendment request: The licensee has requested NRC review and approval for adoption of a new fire protection licensing basis which complies with the requirements in 10 CFR 50.48(a), 10 CFR 50.48(c), and the guidance in NRC Regulatory Guide (RG) 1.205, Revision 1, ''Risk-Informed Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants,'' December 2009. The license amendment request follows Nuclear Energy Institute (NEI) 04–02, Revision 2, ''Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection Program under 10 CFR 50.48(c),'' April 2008. This submittal describes the methodology used to demonstrate compliance with, and transition to, National Fire Protection Association (NFPA) 805, and includes regulatory evaluations, probabilistic risk assessment, change evaluations, proposed modifications for non-compliances, and supporting attachments.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated. Operation of Arkansas Nuclear One, Unit 2 (ANO–2) in accordance with the proposed amendment does not result in a significant increase in the probability or consequences of accidents previously evaluated. The proposed amendment does not affect accident initiators or precursors as described in the ANO–2 Safety Analysis Report (SAR), nor does it adversely alter design assumptions, conditions, or configurations of the facility, and it does not adversely impact the ability of structures, systems, or components (SSCs) to perform their intended function to mitigate the consequences of accidents described and evaluated in the SAR. The proposed changes do not physically alter safety-related systems nor affect the way in which safety-related systems perform their functions as required by the accident analysis. The SSCs required to safely shut down the reactor and to maintain it in a safe shutdown condition will remain capable of performing their design functions.

The purpose of this amendment is to permit ANO–2 to adopt a new risk-informed, performance-based fire protection licensing basis that complies with the requirements in 10 CFR 50.48(a) and 10 CFR 50.48(c), as well as the guidance contained in Regulatory Guide (RG) 1.205. The NRC considers that NFPA 805 provides an acceptable methodology and performance criteria for licensees to identify fire protection requirements that are an acceptable alternative to the 10 CFR Part 50, Appendix R, fire protection features (69 FR 33536; June 16, 2004).

The purpose of the fire protection program is to provide assurance, through defense-in-depth, that the NRC's fire protection objectives are satisfied. These objectives are: (1) preventing fires from starting; (2) rapidly detecting and controlling fires and promptly extinguishing those fires that do occur, thereby limiting fire damage; (3) providing an adequate level of fire protection for SSCs important to safety, so that a fire that is not promptly extinguished will not prevent essential plant safety functions from being performed; and (4) ensuring that fires will not significantly increase the risk of radioactive releases to the environment. In addition, fire protection systems must be designed such that their failure or inadvertent operation does not adversely impact the ability of the SSCs important to safety to perform their safety-related functions.

NFPA 805, taken as a whole, provides an acceptable alternative for satisfying General Design Criterion 3 (GDC 3) of Appendix A to 10 CFR Part 50, meets the underlying intent of the NRC's existing fire protection regulations and guidance, and achieves defense-in-depth along with the goals, performance objectives, and performance criteria specified in NFPA 805, Chapter 1. In addition, if there are any increases in core damage frequency (CDF) or risk as a result of the transition to NFPA 805, the increase will be small, bounded by the delta risk

requirements of NFPA 805, and consistent with the intent of the Commission's Safety Goal Policy.

Engineering analyses, which may include engineering evaluations, probabilistic risk assessments, and fire modeling calculations, have been performed to demonstrate that the performance-based requirements of NFPA 805 have been met. The SAR documents the analyses of design basis accidents (DBAs) at ANO–2. All accident analysis acceptance criteria will continue to be met with the proposed amendment. The proposed changes will not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of any accident previously evaluated. The proposed changes will not alter any assumptions or change any mitigation actions for the radiological consequence evaluations in the ANO–2 SAR. In addition, the applicable radiological dose acceptance criteria will continue to be met.

Based on the above, the implementation of this amendment to transition the Fire Protection Plan (FPP) at ANO–2 to one based on NFPA 805, in accordance with 10 CFR 50.48(c), does not result in a significant increase in the probability of any accident previously evaluated. In addition, all equipment required to mitigate an accident remains capable of performing the assumed function. Therefore, the consequences of any accident previously evaluated are not significantly increased with the implementation of this amendment.

Criterion 2

The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from Any Accident Previously Evaluated

Operation of ANO–2 in accordance with the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. Previously analyzed accidents with potential offsite dose consequences were included in the evaluation of the transition to NFPA 805. The proposed amendment does not impact these accident analyses. The proposed change does not alter the requirements or functions for systems required during accident conditions as assumed in the licensing basis analyses and/or DBA [design-basis accident] radiological consequences evaluations.

Implementation of the new risk-informed, performance-based fire protection licensing basis, which complies with the requirements in 10 CFR 50.48(a) and 10 CFR 50.48(c), as well as the guidance contained in RG 1.205, will not result in new or different kinds of accidents. The NRC considers that NFPA 805 provides an acceptable methodology and performance criteria for licensees to identify fire protection systems and features that are an acceptable alternative to the 10 CFR 50, Appendix R fire protection features (69 FR 33536, June 16, 2004). No new modes of operation are introduced by the proposed amendment, nor will it create any failure mode not bounded by previously evaluated accidents. Further, the impacts of the proposed change are not directly assumed in any safety analysis to initiate an accident sequence.

The requirements in NFPA 805 address only fire protection and the impacts of fire effects on the plant have been evaluated. The proposed fire protection program changes do not involve new failure mechanisms or malfunctions that could initiate a new or different kind of accident beyond those already analyzed in the SAR. Based on this, as well as the discussion above, the implementation of this amendment to transition the FPP at ANO–2 to one based on NFPA 805, in accordance with 10 CFR 50.48(c), does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3

The Proposed Change Does Not Involve a Significant Reduction in a Margin of safety.

Operation of ANO–2 in accordance with the proposed amendment does not involve a significant reduction in a margin of safety. The transition to a new risk-informed, performance-based fire protection licensing basis that complies with the requirements in 10 CFR 50.48(a) and 10 CFR 50.48(c) does not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed amendment does not adversely affect existing plant safety margins or the reliability of equipment assumed in the SAR to mitigate accidents. The proposed change does not adversely impact systems that respond to safely shut down the plant and maintain the plant in a safe shutdown condition. In addition, the proposed amendment will not result in plant operation in a configuration outside the design basis for an unacceptable period of time without implementation of appropriate compensatory measures.

The risk evaluations for plant changes, in part as they relate to the potential for reducing a safety margin, were measured quantitatively for acceptability using the delta risk (i.e., ΔCDF and ΔLERF) criteria from Section 5.3.5, ''Acceptance Criteria,'' of NEI 04–02, as well as the guidance contained in RG 1.205. Engineering analyses, which may include engineering evaluations, probabilistic safety assessments, and fire modeling calculations, have been performed to demonstrate that the performance-based methods of NFPA 805 do not result in a significant reduction in the margin of safety. As such, the proposed changes are evaluated to ensure that risk and safety margins are kept within acceptable limits. Based on the above, the implementation of this amendment to transition the FPP at ANO–2 to one based on NFPA 805, in accordance with 10 CFR 50.48(c), will not significantly reduce a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Associate General Council—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Michael T. Markley.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: March 26, 2013.

Description of amendment request: The amendment would incorporate the NRC-approved Technical Specifications Task Force (TSTF) change traveler TSTF–422, Revision 2, ''Change in Technical Specifications End States (CE NPSD–1186).'' The proposed amendment would modify Technical Specifications (TS) to risk-inform requirements regarding selected Required Action End States.

The NRC issued a ''Notice of Availability (NOA) of the Models For Plant-Specific Adoption of Technical Specifications Task Force (TSTF) Traveler TSTF–422, Revision 2, 'Change In Technical Specifications End States (CE NPSD–1186),' For Combustion Engineering (CE) Pressurized Water Reactor (PWR) Plants Using the Consolidated Line Item Improvement Process (CLIIP),'' in the **Federal Register** on April 7, 2011 (76 FR 19510), which included the no significant hazards consideration, safety evaluation, and required commitments for the proposed changes as part of the consolidated line item improvement process (CLIIP).

In its application dated March 26, 2013, the licensee has concluded that the technical basis presented in the TSTF proposal and the safety evaluation are applicable to Arkansas Nuclear One, Unit 2, and the proposed amendment is consistent with the Standard Technical Specifications (STS) changes described in TSTF–422, Revision 2, but with certain variations and/or deviations from TSTF–422, Revision 2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change allows a change to certain required end states when the Technical Specification (TS) Completion Times (CTs) for remaining in power operation are exceeded. Most of the requested TS changes are to permit an end state of hot shutdown (Mode 4) rather than an end state of cold shutdown (Mode 5)

contained in the current TS. The request was limited to: (1) those end states where entry into the shutdown mode is for a short interval; (2) entry is initiated by inoperability of a single train of equipment or a restriction on a plant operational parameter, unless otherwise stated in the applicable TS; and (3) the primary purpose is to correct the initiating condition and return to power operation as soon as is practical. Risk insights from both the qualitative and quantitative risk assessments were used in specific TS assessments. Such assessments are documented in Section 5.5 of CE NPSD–1186, Rev 0, ''Technical Justification for the Risk-Informed Modification to Selected Required Action End States for CEOG [Combustion Engineering Owners Group] Member PWRs.'' The assessments provide an integrated discussion of deterministic and probabilistic issues, focusing on specific TSs, which are used to support the proposed TS end state and associated restrictions. Therefore, the probability of an accident previously evaluated is not significantly increased, if at all. The consequences of an accident after adopting proposed TSTF–422 are no different than the consequences of an accident prior to adopting TSTF–422. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Allowing a change to certain required end states when the TS CTs for remaining in power operation are exceeded, i.e., entry into hot shutdown rather than cold shutdown to repair equipment, if risk is assessed and managed, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change and the commitment by the licensee to adhere to the guidance in WCAP–16364–NP, Revision 2, ''Implementation Guidance for Risk Informed Modification to Selected Required Action End States at Combustion Engineering NSSS Plants (TSTF–422),'' will further minimize possible concerns.

Therefore, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change allows, for some systems, entry into hot shutdown rather than cold shutdown to repair equipment, if risk is assessed and managed. The CEOG's risk assessment approach is comprehensive and follows NRC staff guidance as documented in [NRC Regulatory Guide (RG) 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decision Making on Plant Specific Changes to the Licensing Basis,'' August 1998, and RG 1.177, ''An Approach for Pant Specific Risk-Informed Decision Making: Technical Specifications,'' August 1998.]. In addition, the analyses show that the criteria of the three-tiered approach for allowing TS changes are met. The risk impact of the proposed TS changes was assessed following the three-tiered approach recommended in RG 1.177. A risk assessment was performed to justify the proposed TS changes. The net change to the margin of safety is insignificant.

Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Associate General Council—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Michael T. Markley.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida.

Date of amendment request: May 21, 2013.

Description of amendment request: The proposed amendment would modify the Technical Specifications (TSs) moderator temperature coefficient (MTC) surveillance requirements associated with the implementation of Topical Report WCAP–16011–P–A, ''Startup Test Activity Reduction (STAR) Program,'' which describes the methods to be used for the implementation of reduction in the startup testing requirements. The changes are consistent with the Nuclear Regulatory Commission (NRC)-approved Industry/Technical Specification Task Force (TSTF) Standard Technical Specifications change TSTF–486, Revision 2 as included in NUREG–1432, Revision 4.0, Standard Technical Specifications—Combustion Engineering (CE) Plants.

The NRC staff published a notice of opportunity for comment in the **Federal Register** on July 27, 2007 (72 FR 41360), on possible amendments adopting TSTF–486 using the NRC's consolidated line-item improvement process for amending licensees' TSs, which included a model safety evaluation (SE) and model no significant hazards consideration (NSHC) determination. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on September 6, 2007 (72 FR 51259), which included the resolution of public comments on the model SE and model NSHC determination. The licensee affirmed in its application dated May 21, 2013, that the proposed changes to the TSs satisfy the intent of TSTF–486.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of NSHC, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes for St. Lucie Units 1 and 2 revise the MTC Technical Specification 4.1.1.4.1 and 4.1.1.4.2 for each Unit, to implement the requirements of the topical report WCAP–16011–P–A, *STAR Program.*

The MTC is not an initiator to any accident previously evaluated. Therefore, there is no significant increase in the probability of any accident previously evaluated. The MTC is an input to the accident analyses used to predict plant behavior in the event of an accident. The MTC limits specified in the Technical Specifications/COLR [core operating limit report] remain unchanged. WCAP–16011–P–A demonstrated, and the NRC concurred, that the modified MTC verification is adequate to ensure that MTC stays within the limits. The consequences of an accident after adopting TSTF–486 are no different than the consequences of an accident prior to adoption. Likewise, the deviations from the implementation of TSTF–486 requirements being adopted in this license amendment do not have any effect on the probability of occurrence or consequences of accidents previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No new or different accidents will result from implementation of the proposed changes. The changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different operating requirements or eliminate any existing requirements. The changes do not alter limits and assumptions made in the safety analysis. The proposed

changes are consistent with the safety analysis assumptions and current plant operating practice. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

TSTF–486 provides the means and requirements for CE-designed plants to implement the previously approved WCAP–16011–P–A for MTC verification at startup. MTC is a parameter controlled in the licensee's TS/COLR, including surveillance requirements. As stated previously, WCAP–16011–P–A describes methods to reduce the requirements for startup testing. The proposed changes to the TS, supported by TSTF–486, have been reviewed and found to be consistent with WCAP–16011–P–A. The changes in the license amendment which deviate from TSTF–486 requirements are justified to be acceptable and do not affect the margin of safety. The MTC limits are unaffected and an acceptable method will be used to verify the MTC to be within its limit. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Branch Chief: Jessie F. Quichocho.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: April 25, 2013.

Description of amendment request: The proposed license amendment request would revise certain requirements from Section 5, ''Administrative Controls,'' of the Crystal River Unit 3 (CR–3) Improved Technical Specifications (ITSs). The revisions would include the following sections: 5.1 ''Responsibility;'' 5.2 ''Organization;'' 5.6 ''Procedures, Programs and Manuals;'' 5.7 ''Reporting Requirements;'' and 5.8 ''High Radiation Area,'' which are no longer applicable, as CR–3 is in a permanently defueled condition.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration for each proposed change, which is presented below:

A. ITS Section 5.1.1:

This section defines the responsible position for overall unit operation and for approval of each proposed test, experiment, or modification to systems or equipment that affect stored nuclear fuel and fuel handling. The responsible position title is changed from the Plant General Manager to the Plant Manager.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The change reflects that the remaining credible accident is a fuel handling accident or loss of spent fuel cooling. The change in the position title of the responsible person is administrative and cannot increase the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This changes reflects an organizational change to transition from an operating plant to a permanently defueled plant. Such an administrative change cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The position title proposed here does not involve any physical plant limits or parameters and therefore cannot affect any margin of safety.

B. ITS Section 5.1.2:

This section identifies the responsibilities for the control room command function associated with Modes of plant operation, and is based on personnel positions and qualifications for an operating plant. It identifies the need for a delegation of authority for command in an operating plant when the principal assignee leaves the control room.

This section is being changed to eliminate the MODE dependency for this function and personnel qualifications associated with an operating plant. The proposed change establishes the Shift Supervisor as having command of the shift.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This is a change to the requirements for control room staffing. In a permanently defueled plant, the fuel handling building accident is the only credible accident previously evaluated. This action cannot increase the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The changes proposed here for control room staffing cannot create a new or different kind of accident since they do not change the function of any plant structures, systems, or components.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The changes proposed here for control room staffing do not directly involve any limits or parameters and therefore cannot affect ant margin of safety.

C. ITS Section 5.2.1.a:

The introduction to this section identifies that organizational positions are established that are responsible for the safety of the nuclear plant.

This is changed to require that positions be established that are responsible for the safe storage and handling of nuclear fuel. This change removes the implication that CR–3 can return to operation.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This change in the description of functional responsibility of organizational positions places emphasis on the safe storage and handling of nuclear fuel. This focus on their principal responsibility cannot increase the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change in the description of functional responsibility of organizational positions cannot create a new or different kind of accident since they do not change the function of any plant structures, systems, or components.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any physical limits or parameters and therefore cannot affect any margin of safety.

D. ITS Section 5.1.2.b:

This section identifies the organizational position responsible for overall nuclear plant safety, for the safe operation of the plant, and for control of activities necessary for the safe operation and maintenance of the plant.

This section is being changed to recognize that the safety concerns for a permanently defueled plant are for the safe storage and handling of nuclear fuel. It changes responsibility for overall safety for storage and handling of nuclear fuel to the Decommissioning Director. It changes responsibility for control over onsite activities necessary for safe handling and storage of nuclear fuel to the Plant Manager.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This change in the description of functional responsibility of organizational positions places emphasis on the safe storage and handling of nuclear fuel. This focus on their principal responsibility cannot increase the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change in the description of functional responsibility of organizational positions cannot create a new or different

kind of accident since they do not change the function of any plant structures, systems, or components.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any physical limits or parameters and therefore cannot affect any margin of safety.

E. ITS Section 5.2.1.c:

This paragraph addresses the requirement for organizational independence of the operations, health physics, and quality assurance personnel from operating pressures.

This is changed to replace ''operating staff'' with ''Certified Fuel Handlers,'' and to replace ''their independence from operating pressures'' to ''their ability to perform their assigned functions.''

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This change continues to ensure that personnel in specifically identified positions retain independence from organizational pressures and will not increase the probability or occurrence of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components there it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

F. ITS Section 5.2.2.a:

This paragraph addresses that one auxiliary nuclear operator must be assigned to the operating shift whenever fuel is in the reactor.

Since this can never occur again at CR–3, the minimum requirement is changed to a minimum crew compliment of one Shift Supervisor and one Non-certified Operator.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This change, in conjunction with new paragraph 5.2.2.e, continues to ensure that personnel trained and qualified for the safe handling and storage of nuclear fuel are onsite. This cannot increase the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

G. ITS Section 5.2.2.b:

This paragraph addresses the conditions under which the minimum shift compliment may be reduced. It contains a reference to 10 CFR 50.54(m) which establishes the minimum requirements for a licensed operating staff for facility operation.

This reference is removed since CR–3 will not return to operation in the future, and the requirement for licensed operating personnel will no longer be required to protect public health and safety.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This change continues to ensure that the minimum shift compliment of qualified personnel will not be decreased for more than a limited period. It removes the qualification requirements for personnel who are capable of responding to operating plant transients and accidents. This does not involve an increase in the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

H. ITS Section 5.2.2.c:

This paragraph establishes the requirement for one licensed Reactor Operator to be in the control room when fuel is in the reactor and for one Senior Reactor Operator to be in the control room during operating Modes 1–4.

The change establishes the requirements for either a Non-certified operator or Certified Fuel handler to be in the control room when fuel is stored in the pools.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This change continues to ensure that personnel trained and qualified for the handling and storage of nuclear fuel man the control room. This cannot increase the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

I. ITS Section 5.2.2.d:

This paragraph established the requirement for a person qualified in Radiation Protection procedures to be onsite when fuel is in the reactor.

This paragraph is deleted, since CR–3 is no longer authorized to have fuel in the reactor.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This administrative change cannot affect the probability of a fuel handling accident. The consequences of a fuel handling accident are governed by the characteristics of the fuel element and are not affected by the presence or absence of radiation protection trained personnel.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

J. ITS Section 5.2.2.d (New):

A new paragraph is added to establish the requirement for having oversight of fuel handling operations to be performed by a Certified Fuel Handler.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. Certified Fuel Handlers are specifically trained and qualified to safely handle irradiated fuel. Applying these qualifications to fuel movement ensures that the probability or consequences of a fuel handling accident are not increased.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

K. ITS Section 5.2.2.e (New):

A new paragraph is added to establish that the Shift Supervisor must be a Certified Fuel Handler.

In the permanently defueled plant, the Certified Fuel Handler is the senior position on the operating crew. It is not necessary for the Shift Supervisor to hold a Senior Reactor Operator license if the plant cannot operate to generate power.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. Certified Fuel Handlers are specifically trained and qualified to safely handle irradiated fuel. Applying these qualifications to the supervision of fuel movement ensures

that the probability or consequences of a fuel handling accident are not increased.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

L. ITS Section 5.3.1:

This paragraph is changed to remove the requirements for the Shift Technical Advisor since that position is only required for a plant authorized for power operations.

The paragraph retains the previous requirements for the personnel filling unit staff positions meet or exceed the minimum qualifications of ANSI [American National Standard Institute] N18.1, 1971, and the Radiation Protection Manager meet or exceed the qualifications of Regulatory Guide 1.8, September 1975.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The Shift Technical Advisor position was established to assist the control room operating personnel to diagnose the cause and advise on the response to operating transients and accidents. The absence of a staff member with those qualifications does not change the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any physical equipment limits or parameters and therefore cannot affect any margin of safety.

M. ITS Section 5.3.2:

This new paragraph is added to identify that responsibility for the training and retraining of Certified Fuel Handlers is assigned to the Plant Manager.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This section recognizes the importance of establishing and maintaining Certified Fuel Handler qualifications and assigns a manager responsibility for this program. Training and retraining Certified Fuel Handlers specifically trained to safely handle nuclear fuel will not increase the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any physical limits or parameters and therefore cannot affect any margin of safety.

N. ITS Section 5.6.1.1.a:

This section states the requirement for procedures to be established, implemented and maintained covering various plant activities.

The scope is reduced to procedures applicable to the safe handling and storage of nuclear fuel.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The procedures necessary for the safe handling of nuclear fuel are included in the group of procedures applicable to the safe storage of nuclear fuel. With these procedures in effect for fuel handling, the probability or consequences of a fuel handling accident will not be increased.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The applicable procedures for the safe storage of nuclear fuel will direct the correct use of fuel handling equipment. These procedures are currently in place and have been used effectively for the safe handling of fuel. These procedures will not direct the use of plant structures, systems, or components in a different manner, therefore, they cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

O. ITS Section 5.6.2.3:

In this section, the authority for approval of changes to the Offsite Dose Calculation Manual (ODCM) is changed from the Plant General Manager to the Plant Manager consistent with the position title change in 5.1.1.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This is a change to the requirements for the position responsible for approving ODCM changes. In a permanently defueled plant, the fuel handling accident is the only credible accident previously evaluated. This action cannot increase the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The change proposed here, identifying a different position responsible for ODCM change approval, cannot create a new or different kind of accident since this does not change the function of any plant structures, systems, or components.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The changes proposed here for ODCM approval do not directly involve any limits or parameters for operating systems and therefore cannot affect any margin of safety.

P. ITS Section 5.6.2.4: Primary Coolant Sources Outside Containment

This program was established to minimize leakage from portions of systems outside containment that could contain highly radioactive fluids during a serious transient or accident.

The program is being eliminated.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The fuel handling accident is the only credible accident for a permanently defueled plant. This change eliminates an inspection program that is no longer necessary to limit the consequences of operating transients and accidents. This change cannot increase the probability or consequences of the fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

Q. ITS Section 5.6.2.5: Component Cyclic or Transient Limit

This program provided controls to track cyclic and transient occurrences to ensure that components were maintained within their design limits.

This program is being eliminated.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. Eliminating an administrative event tracking program cannot increase the probability of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. Eliminating an administrative event tracking program cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

R. ITS Section 5.6.2.8: Inservice Inspection Program

This program required periodic inspections, examinations, and tests of plant pressure boundary components to ensure their continued integrity for power operation.

This program is being eliminated.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The Inservice Inspection Program does not apply to nuclear fuel or fuel handling equipment. Therefore eliminating this program cannot increase the probability or occurrence of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. For an operating plant the Inservice Inspection Program provided confidence that plant systems that were either a potential source of an accident or transient or served to mitigate events continued to meet their physical requirements. For a permanently shutdown plant, no transient, or accident can occur, so ending this inspection program cannot affect any margin of safety.

S. ITS Section 5.6.2.10: Steam Generator (OTSG) Program

The Steam Generator Program established and implemented practices to ensure that OTSG tube integrity was maintained.

This program is being eliminated.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The condition of the steam generator tubes inside the containment has no effect on fuel handling in the auxiliary building within the spent fuel pools. Therefore, eliminating the program cannot increase the probability or occurrence of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The CR–3 steam generators will remain out of service until removed from the plant. In this state, the condition of the steam generator tubes is immaterial and cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

T. ITS Section 5.6.2.11: Secondary Water Chemistry Program

This program provided controls for monitoring secondary water chemistry to inhibit steam generator tube degradation and low pressure turbine disc stress corrosion cracking.

This program is being eliminated.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The secondary piping systems do not interconnect with the fuel cooling or fuel handling systems. Therefore, eliminating the Secondary Water Chemistry Program cannot increase the probability or occurrence of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The components this program was intended to protect will no longer function for power production. Therefore, eliminating this program cannot affect any margin of safety.

U. ITS Section 5.6.2.13: Explosive Gas and Storage Tank Radioactivity Monitoring Program

This program provided controls for potentially explosive gas mixtures contained in the Radioactive Waste Disposal (WD) System, and the quantity of radioactivity contained in gas storage tanks or fed into the offgas treatment system.

This program is being eliminated.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This program is required for an operating plant where hydrogen and radioactive gases are created and must be controlled. Controlled release of any gases currently in the tanks, in accordance with existing procedures, will ensure there will be no hazard to public health and safety. Therefore, elimination of this program cannot increase the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This program is required for an operating plant where hydrogen and radioactive gases are created and must be controlled. Controlled release of any gases currently in the tanks, in accordance with existing procedures, will ensure there will be no hazard to public health and safety. Therefore, elimination of this program cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margins of safety.

V. ITS Section 5.6.2.18: Core Operating Limits Report (COLR)

This program established that core operating limits be established prior to each reload cycle.

This program is being eliminated.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This program for controlling the design and operation of the reactor core has no bearing on fuel storage after fuel has been moved into the spent fuel pools. Therefore, eliminating this program cannot increase the probability or occurrence of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. Since CR–3 can never load a core into the reactor again, eliminating this control program cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. Since CR–3 can never load a core into the reactor again, eliminating this control program cannot affect any margin of safety.

W. ITS 5.6.2.19: Reactor Coolant System (RCS) Pressure and Temperature Limits Report (PTLR)

This program ensured that RCS pressure and temperature limits, including heatup and cooldown rates, criticality, and hydrostatic and leak test limits, be established and documented in the PTLR.

This program is being eliminated.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This program contains no actions or limits that affect the storage or handling of nuclear fuel. Therefore, eliminating this program cannot increase the probability or occurrence of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This report is no longer needed since the reactor coolant system is not subject to pressurization and the reactor contains no fuel. Therefore, eliminating this control program cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The limits established in this report do not apply to nuclear fuel stored in the spent fuel pools. Therefore, eliminating this program cannot affect any margin of safety.

X. ITS Section 5.6.2.20: Containment Leakage Rate Testing Program

This program was established to implement the leakage rate testing of the containment.

This program is being eliminated in accordance with Regulatory Guide 1.1.84.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. Since fuel can never be returned to the CR–3 containment, ending containment leakage rate testing cannot increase the probability or occurrence of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not introduce any changes to the function of any plant structures, systems, or components therefore it cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. This change does not directly involve any limits or parameters and therefore cannot affect any margin of safety.

Y. ITS Section 5.7.2: Special Reports

This section is being eliminated.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. Eliminating reporting requirements for programs that are no longer required or conditions that cannot exist in a permanently defueled plant cannot increase the probability or occurrence of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. Eliminating reporting requirements that are no longer required cannot create a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. Eliminating reporting requirements that are no longer required cannot affect any margin of safety.

Z. ITS Section 5.8.2: High Radiation Area Controls

Changes one of the personnel responsible for locked high radiation area key control from the Control Room Supervisor to the Shift Supervisor.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This is a change to the requirements for the position title responsible for key control. In a permanently defueled plant, the fuel handling accident is the only credible accident previously evaluated. This action cannot increase the probability or consequences of a fuel handling accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The change proposed here, identifying a different position title responsible for key control, cannot create a new or different kind of accident since they do not change the function of any plant structures, systems, or components.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The changes proposed here for key control do not directly involve any limits or parameters and therefore cannot affect any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn B. Nolan, 550 South Tryon Street, Charlotte, North Carolina, 28202.

NRC Branch Chief: Jessie F. Quichocho.

Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through the Agencywide Documents Access and Management System (ADAMS) in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr.resource@nrc.gov.*

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant (PINGP), Units 1 and 2, Goodhue County, Minnesota

Date of application for amendments: July 25, 2012.

Brief description of amendments: The amendments revise Technical Specifications (TSs) 3.4.19—''Steam Generator (SG) Tube Integrity,'' 5.5.8—''Steam Generator (SG) Program,'' and 5.6.7—''Steam Generator Tube Inspection Report'' to apply the appropriate program attributes to the Unit 2 replacement steam generators that are planned for installation in fall 2013. The amendments also revise the PINGP Units 1 and 2 TSs to adopt the program improvements in Technical Specifications Task Force Traveler (TSTF) 510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection.''

Date of issuance: July 2, 2013.

Effective date: As of the date of issuance and shall be implemented within 60 days after reactor startup following Unit 2 steam generator replacements.

Amendment Nos.: 208 and 195.

Renewed Facility Operating License Nos. DPR–42 and DPR–60: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register***: September 14, 2012 (77 FR 56881).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 2, 2013.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company. Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Burke County, Georgia

Date of application for amendments: March 20, 2013.

Brief description of amendment: The amendment authorizes a departure from the Vogtle Electric Generating Plant Units 3 and 4 plant-specific Design Control Document (DCD) material incorporated into the Updated Final Safety Analysis Report (UFSAR) by revising the structural analysis requirements to provide alternative requirements for development of headed reinforcement bars (T-heads) within the nuclear island structures above the basemat elevation.

Date of issuance: May 22, 2013.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: Unit 3–9 and Unit 4–9.

Facility Combined Licenses No. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register***: April 16, 2013 (78 FR 22573).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 22, 2013.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 15th day of July 2013.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–17370 Filed 7–22–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0001]

Sunshine Act Meetings

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of July 22, 29, August 5, 12, 19, 26, 2013.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of July 22, 2013

There are no meetings scheduled for the week of July 22, 2013.

Week of July 29, 2013—Tentative

There are no meetings scheduled for the week of July 29, 2013.

Week of August 5, 2013—Tentative

There are no meetings scheduled for the week of August 5, 2013.

Week of August 12, 2013—Tentative

There are no meetings scheduled for the week of August 12, 2013.

Week of August 19, 2013—Tentative

There are no meetings scheduled for the week of August 19, 2013.

Week of August 26, 2013—Tentative

Tuesday, August 27, 2013

9:00 a.m. Briefing on NRC's Construction Activities (Public Meeting); (Contact: Michelle Hayes, 301–415–8375).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

3:00 p.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9) (Contact: Karen Henderson, 301–415–0202)

* * * * *

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, or by email at *kimberly.meyer-chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *darlene.wright@nrc.gov.*

Dated: July 18, 2013.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2013–17756 Filed 7–19–13; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Form S–8; OMB Control No. 3235–0066, SEC File No. 270–66.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form S–8 (17 CFR 239.16b) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) is the primary registration statement used by eligible registrants to register securities to be issuers in connection with an employee benefit plan. Form S–8 provides verification of compliance with securities law requirements and assures the public availability and dissemination of such information. The likely respondents will be companies. The information must be filed with the Commission on occasion. Form S–8 is a public document. All information provided is mandatory. We estimate that Form S–8 takes approximately 24 hours per response to prepare and is filed by approximately 2,200 respondents. In addition, we estimate that 50% of the preparation time (12 hours) is completed in-house by the filer for a total annual reporting burden of 26,400 hours (12 hours per response x 2,200 responses)

An agency may conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 17, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17597 Filed 7–22–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Regulation S; OMB Control No. 3235–0357, SEC File No. 270–315.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Regulation S (17 CFR 230.901 through 230.905) sets forth rules governing offers and sales of securities made outside the United States without registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Regulation S clarifies the extent to which Section 5 of the Securities Act applies to offers and sales of securities outside of the United States. Regulation S is assigned one burden hour for administrative convenience.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 17, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17596 Filed 7–22–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Friday, July 19, 2013 at 9:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Walter, as duty officer, voted to consider the item listed for the Closed Meeting in a closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting will be:

Institution of an administrative proceeding.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: July 18, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–17715 Filed 7–19–13; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69997; File No. SR–MIAX–2013–33]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Exchange Rules 521 and 530 Regarding Its Obvious Error Rules

Dated: July 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 3, 2013, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rules 521 and 530.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant 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 purpose of the proposed rule change is to amend Rule 521 to (i) provide that opening purchase transactions that occur when the Exchange has prohibited, restricted or limited such opening purchase transactions are subject to nullification and (ii) allow the Exchange to review transactions that are believed to be erroneous on motion of the Exchange. Additionally, the Exchange proposes mirroring the proposed amendments to Rule 521 in section (j) of Rule 530. The Exchange recently adopted section (j) of Rule 530 to provide how the Exchange handles erroneous options transactions in response to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS.[3] As the Exchange developed Rule 530(j) off the basis of Rule 521, the Exchange believes it appropriate to make the corresponding amendments to Rule 530 as proposed in Rule 521. Lastly, the Exchange proposes a technical change to Rule 530(j)(1)(i) to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 69342 (April 8, 2013), 78 FR 22017 (April 12, 2013) (SR–MIAX–2013–12).

cite to the correct notification provisions of Rule 530(j).

The proposed change is substantially similar to other exchanges—such as Chicago Board Options Exchange (''CBOE'') for the nullification of prohibited opening transactions and Nasdaq Options Market (''NOM''), NYSE Arca, Inc. (''NYSE Arca''), NYSE MKT LLC (''NYSE MKT''), and NASDAQ OMX PHLX (''PHLX'') for review of erroneous transactions on motion of the Exchange.[4]

Nullifying Prohibited Opening Transactions

The Exchange proposes to add a provision to both Rule 521 and 530(j) allowing for the nullification of opening purchase transactions in option classes or series subject to a prohibition, restriction or limitation on the creation and increase in long positions. Pursuant to Rule 403(a) the Exchange may determine to prohibit opening purchase transactions if, for example, the security underlying an option fails to meet the standards for continued listing and trading on the Exchange, or an option series is listed on the Exchange in violation of the provisions of Rule 404 and such series are unable to be immediately delisted. Such prohibitions curtail the creation and increase in long positions in the option class or series. The proposed rule change would provide the Exchange the ability to nullify any opening transaction prohibited pursuant to Rule 403. Thus, for example in the event that the Exchange withdraws approval for an underlying security previously approved by the Exchange for options transactions pursuant to Rule 403, the Exchange may prohibit any opening purchase transaction in series of options of that class previously listed and traded. Currently, a Member who violates the prohibition on opening purchase transactions can be pursued for such a violation through an appropriate regulatory action. However, there is no rule mechanism in the Rules by which to nullify the trade created by the prohibited opening transaction—thus a violator of the Exchange mandated prohibition, even after being subject to a regulatory action, could nonetheless benefit from the violation by keeping the prohibited opening position.

The Exchange believes that the ability to nullify trades resulting in prohibited opening transactions would eliminate any possible windfall from violating Exchange mandated prohibitions and thus strengthen the Exchange's regulatory program. The proposed rule change would provide the Exchange with an additional regulatory tool to promote compliance with Exchange Rules and the maintenance of a fair and orderly marketplace. Lastly, the Exchange notes that the ability to nullify prohibited opening transactions currently exists at CBOE.[5]

Reviewing Trades on Exchange Motion

The Exchange proposes to adopt a provision which provides that in the interest of maintaining a fair and orderly market and for the protection of investors, the Chief Regulatory Officer of MIAX or his/her designee who is an officer (collectively ''Exchange Officer''), may, on his or her own motion or upon request, determine to review any transaction occurring on the Exchange that is believed to be erroneous.[6] A transaction reviewed pursuant to this provision may be nullified or adjusted only if it is determined by the Exchange Officer that the transaction is erroneous as provided in Rule 521 or 530(j). A transaction would be adjusted or nullified, or just nullified if reviewed under 530(j), in accordance with the provision under which it is deemed an erroneous transaction. The Exchange Officer may be assisted by an Exchange Official that is trained in the application of this Rule for reviewing a transaction(s).

As proposed, the Exchange Officer shall act pursuant to this paragraph as soon as possible after receiving notification of the transaction, and ordinarily would be expected to act on the same day as the transaction occurred. However, because a transaction under review may have occurred near the close of trading or due to unusual circumstances, the proposed Rule provides that the Exchange Officer shall act no later than 9:30 a.m. (ET) on the next trading day following the date of the transaction in question. A party affected by a determination to nullify or adjust a transaction pursuant to this provision may appeal such determination in accordance with Rule 521 or 530(j); however, a determination by an Exchange Officer not to review a transaction, or a determination not to nullify or adjust a transaction for which a review was requested or conducted, is not appealable. The Exchange believes it is appropriate to limit review on appeal to only those situations in which a transaction is actually nullified or adjusted.

This provision is not intended to replace a party's obligation to request a review, within the required time periods under Rules 521 and 530(j) of any transaction that it believes meets the criteria for an obvious error. And, if a transaction is reviewed and a determination has been rendered pursuant to Rule 521 no additional relief may be granted under this new provision. Moreover, the Exchange does not anticipate exercising this new authority in every situation in which a party fails to make a timely request for review of this transaction pursuant to Rule 521 or 530(j). The Exchange believes this provision should help to protect the integrity of its marketplace by vesting an Exchange Officer with the authority to review a transaction that may be erroneous, in those situations where a party failed to make a timely request for a review.

The Exchange believes that the provision would also be useful in situations where some parties, but not all, to trades around the same time have requested a review. Under the Rule, reviews are currently request-based. Under the proposal, in this situation, the Exchange would be able to invoke this provision to review a series of trades, whether or not all parties requested it.

Lastly, the Exchange notes that the ability to review erroneous transactions on motion of the Exchange currently exists at NOM, NYSE Arca, NYSE MKT, and PHLX.[7]

Technical Correction to Rule 530(j)(1)(i)

Rule 530(j)(1)(i) provides that any review pursuant to Rule 530(j) occur within the time frame provided by the Rule. However, the Rule currently incorrectly cites to a nonexistent provision—Rule 530(j)(5)(i). The Exchange proposes correcting the Rule citation so that the time frame contained in proposed Rule 530(j)(2)(i)(A) is properly cited instead.

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(5) of the Act[9] in particular, in that it is designed to prevent fraudulent and manipulative

[4] *See* Securities Exchange Act Release No. 61576 (February 23, 2010), 75 FR 9990 (March 4, 2010) (SR–NASDAQ–2010–022). *See also* CBOE Rule 6.25(a)(6); NOM Rules Chapter V Section 6(d)(i); NYSE Arca Rule 6.87(b)(3); NYSE MKT Rule 975NY.(b)(3); and PHLX Rule 1092(e)(i)(B).

[5] *See* CBOE Rule 6.25(a)(6).

[6] In the event a party to a transaction requests that the Exchange review a transaction, the Exchange Officer nonetheless would need to determine, on his or her own motion, whether to review the transaction.

[7] *See* NOM Rules Chapter V Section 6(d)(i); NYSE Arca Rule 6.87(b)(3); NYSE MKT Rule 975NY.(b)(3); and PHLX Rule 1092(e)(i)(B).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed addition regarding the nullification of opening transactions in options classes or series in which the Exchange has prohibited opening transactions promotes just and equitable principles of trade by allowing for the nullification of opening transactions in options overlying securities for which the Exchange has withdrawn options trading eligibility. The nullification of such opening transactions eliminates the possibility of unjust enrichment on the part of one participant in the transaction at the expense of the contra party, all to the benefit of the marketplace as a whole. Additionally, the proposed rule change would provide the Exchange with an additional regulatory tool to promote compliance with Exchange Rules and the maintenance of a fair and orderly marketplace.

Proposed Rule 521(e)(1)(ii), which would allow an Exchange Officer to adjust or nullify a transaction on his or her motion in the interest of maintaining a fair and orderly market, protects investors and the public interest by authorizing such Exchange Officer to take affirmative action when a transaction appears erroneous. Investors and the public would have assurances that an Exchange Officer may nullify their erroneous transaction without their own notification. This extra layer of protection in Rule 521 would benefit options investors on the Exchange and the marketplace in general. Additionally, a transaction reviewed pursuant to this proposal may be nullified or adjusted only if it is determined by the Exchange Officer that the transaction is erroneous as provided in Rule 521 or 530(j).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes the proposed changes will not impose any burden on intra-market competition because it applies to all MIAX participants equally. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal is intended to protect investors by adopting an additional safeguard that is available on several competing exchanges. The Exchange notes the proposed changes to its Rules 521 and 530 do not go outside of the scope of the rules of other competing options exchanges. Additionally, consistency among the national securities exchanges regarding the handling of obvious errors reduces the possibility of any regulatory arbitrage on the part of a market participant seeking a forum with a lower regulatory requirement.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) [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. 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 No. SR–MIAX–2013–33 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–MIAX–2013–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–MIAX–2013–33 and should be submitted on or before August 13, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17595 Filed 7–22–13; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69996; File No. SR–MIAX–2013–32]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Exchange Rule 700 Regarding Friday Expiration Changes

Dated: July 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 3, 2013, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 700, Exercise of Option Contracts, to describe accurately the deadlines for submission of notice to the Exchange of a Member's decision to exercise or not to exercise an existing option, and for the submission of Contrary Exercise Advices (defined below) by Members to the Exchange. The Exchange also proposes to establish such deadlines for options that expire after February 1, 2015.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing*, at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant 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

MIAX proposes to amend Exchange Rule 700, to establish new dates and times by which Members must make a final decision to exercise or not exercise an expiring option.

Background

The Options Clearing Corporation (''OCC'') recently determined to change the expiration date for most option contracts to the third Friday of the expiration month instead of the Saturday following the third Friday.[3] Most option contracts (''Standard Expiration Contracts'') currently expire at the ''expiration time'' (11:59 p.m. Eastern Time) on the Saturday following the third Friday of the specified expiration month (''expiration date''). The expiration time will continue to be 11:59 p.m. Eastern Time on the expiration date. The OCC rule change would apply only to Standard Expiration Contracts expiring after February 1, 2015. The OCC rule change will not affect the expiration date for any outstanding option contract. The OCC rule change will apply only to series of option contracts opened for trading having expiration dates later than February 1, 2015.

After February 1, 2015, virtually all Standard Expiration Contracts will expire on Friday. The only Standard Expiration Contracts that will expire on a Saturday after February 1, 2015 will be certain options that were listed prior to the effectiveness of the OCC rule change, and a limited number of options that may be listed prior to necessary systems changes of the options exchanges, which are expected to be completed in August 2013. The exchanges have agreed that once these systems changes are made they will not open for trading any new series of option contracts with Saturday expiration dates falling after February 1, 2015.[4] After the transition period and the expiration of all existing Saturday-expiring options, expiration processing should be a single operational process and should run on Friday night for all Standard Expiration Contracts.

In order to start the transition to Friday night expiration processing, the OCC will, beginning June 21, 2013, move the expiration exercise procedures to Friday for all Standard Expiration Contracts even though the contracts will continue to expire on Saturday. As part of this change, the window for submission of exercise-by-exception instructions will be moved from 6:00 a.m. to 9 a.m. Central Time on Saturday morning to 6:00 p.m. to 9:15 p.m. Central Time on Friday evening starting June 21, 2013.[5] The current exercise-by-exception window for weekly and quarterly expiration options from 6:00 p.m. to 7:00 p.m. Central Time on the expiration date will remain the same.

The Proposal

The Exchange proposes to amend Rule 700(c) by stating that, respecting options that expire after February 1, 2015, option holders have until 5:30 p.m. Eastern Time on the expiration date to make a final decision to exercise or not exercise an expiring option. The purpose of the change is to account for the OCC change described above for all Standard Expiration Contracts that after February 1, 2015 will have a Friday expiration and that option holders must submit exercise instructions to Members (whether for customer or non-customer accounts) before 5:30 p.m. Eastern Time on the expiration date instead of the current requirement of the business day immediately prior to the expiration date. The Exchange believes that this should assist Members processing exercise instructions in the same manner as today despite the new Friday expiration. This should result in a smooth transition without any confusion to Members and their customer and non-customer accounts.

The Exchange also proposes to amend Rule 700(c) to provide that Members may set earlier cutoff times for customers submitting exercise notices, and that Clearing Members are permitted to submit exercise instructions after the cutoff time only in case of errors or other unusual situations, and may be subject to fines or disciplinary actions.[6] The Exchange believes that this provision enables Members to receive timely notification to exercise or not to exercise an option, and provides Clearing Members with additional time to correct errors or other issues that arise from unusual

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 69480 (April 30, 2013), 78 FR 26413 (May 6, 2013) (SR–OCC–2013–04); 69772 (June 17, 2013), 78 FR 37645 (June 21, 2013) (SR–OCC–2013–04) (Order Approving Proposed Rule Change to Change the Expiration Date For Most Option Contracts to the Third Friday of the Expiration Month Instead of the Saturday Following the Third Friday).

[4] *Id.*

[5] *See id.* at 26414.

[6] *See* Securities Exchange Act Release Nos. 69480 (April 30, 2013), 78 FR 26413 (May 6, 2013) (SR–OCC–2013–04).

situations. However, Clearing Members may be subject to fines or disciplinary actions by MIAX in these instances.[7]

The Exchange proposes to amend Rules 700(d)(ii) and (iii), Deadline for CEA Submission for Customer Accounts and Non-Customer Accounts. Currently, Rules 700(d)(ii) and (iii) simply state that Members have until 7:30 Eastern Time to submit a Contrary Exercise Advice to the Exchange. The Exchange proposes to clarify in the Rules that Members have until 7:30 *p.m.* Eastern Time on the business day immediately prior to the expiration date or, in the case of Short Term Option Series and Quarterly Options Series, on the expiration date, to submit a Contrary Exercise Advice (''CEA'')[8] to the Exchange. The Exchange believes that this clarifying language will safeguard the CEA process and enable the Exchange to submit CEA or Advice Cancel[9] instructions to OCC in a timely fashion on Friday, the date on which OCC will be processing expiring options. The Exchange believes that this more clearly and accurately describes the deadline date and time. This amendment should provide a smooth transition to the Friday expiration, and to the processing of CEAs and Cancel Advices when the OCC begins to conduct expiration exercise procedures Friday for all Standard Expiration Contracts on June 21, 2013, even though the contracts would continue to expire on Saturday. The Exchange believes this benefits the investing public because Members will be required to submit these notifications in a timely fashion for Friday processing, removing their exposure to the risk of late notification and the concomitant exercise or non-exercise of their option contracts.

The Exchange proposes to amend MIAX Rule 700(c) by codifying the current practice under which holders of Short Term Option Series (''STOS'') have until 5:30 p.m. on the expiration date to make a final decision to exercise or not exercise an expiring option, which is also the current practice respecting Quarterly Options. Currently, Exchange Rule 700(c) states that option holders have until 5:30 p.m. Eastern Time on the business day immediately prior to the expiration date or, in the case of Quarterly Options Series, on the expiration date, to make a final decision to exercise or not exercise an expiring option. Just as with Quarterly Options Series, STOS currently may be exercised on the expiration date.[10] The Exchange proposes to clarify this current practice in the Rule by stating that the expiration date exercise cutoff time applies to holders of STOS as well.[11] This change will bring the Exchange's Rules in line with the current OCC expiration schedule for STOS. Members may not accept exercise instructions for customer or non-customer accounts after 5:30 p.m. Eastern Time.

Finally, the Exchange proposes a clarifying change to Rule 700(h). Rule 700(h) currently provides that Members have until 7:30 Eastern Time to deliver a CEA or Advice Cancel to the Exchange for customer accounts and non-customer accounts. The Exchange proposes to amend this provision to clarify that Members have until 7:30 *p.m.* Eastern Time to deliver a CEA or Advice Cancel to the Exchange for customer accounts and non-customer accounts. This more precise description of the time deadline should assist the Exchange in its timely submission of such notification to OCC and eliminate any potential confusion, thus protecting investors submitting exercise instructions to Members when the time for closing the trading session is modified on the last business day before expiration will occur.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b)[12] of the Act in general, and furthers the objectives of Section 6(b)(5)[13] of the Act in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers.

By changing the Exchange's Rules to account for the new expiration date for most Standard Expiration Contracts (the third Friday of the expiration month), and for the OCC moving the expiration exercise procedures to Friday for all Standard Expiration Contracts for post-February 1, 2015 expirations, the proposed rule change should help to promote the prompt and accurate clearance and settlement of securities transactions, and foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

The proposed changes to account for the exercise of STOS on the expiration date remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, by amending the Rules to be consistent with the current OCC expiration schedule. This change clarifies that investors must notify Members of their intention to exercise or not to exercise STOS, and that Members must submit CEAs and Advice Cancels, on the expiration date, thus further perfecting the mechanisms of a free and open market.

The proposed clarifying changes to provide more precise deadline times for the submission of exercise notifications and CEA Submissions should assist the Exchange in its timely submission of such notification to OCC and eliminate any potential confusion, thus protecting investors submitting exercise instructions to Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is intended to help MIAX Members transition into the new Friday expiration date for Standard Expiration Contracts, and to foster cooperation with persons engaged in the clearance and settlement of securities transactions. This should enable the Exchange to continue to compete on an even playing field with other U.S. options exchanges.

[7] *See* MIAX Rule 1014(d)(9), Exercise of Option Contracts (Rule 700), which states that a Member who fails to submit to the Exchange in a timely manner pursuant to Rule 700 or a Regulatory Circular issued pursuant to Rule 700, ''Advice Cancel,'' or exercise instruction relating to the exercise or non-exercise of a non-cash settled equity option shall be subject to a fine schedule set forth in the rule.

[8] A Contrary Exercise Advice is a communication either: (1) To not exercise an option that would be automatically exercised under the OCC's Exercise-by-Exception (''Ex-by-Ex'') procedure (*i.e.,* unless contrary instructions are given, option contracts that are in-the-money by specified amounts shall be automatically exercised); or (2) to exercise an option that would not be automatically exercised under the OCC's Ex-by-Ex procedure. *See* MIAX Rule 700(d).

[9] A Contrary Exercise Advice may be canceled by filing an ''Advice Cancel'' with the Exchange. *See* MIAX Rule 700(d)(i).

[10] STOS (or ''Weekly'') options expire on the Friday of the listing week. No weekly options are issued during the week of standard expiration (the third Friday of the month). When expiration Friday falls on a holiday, the weekly option will expire on the preceding Thursday. *See, e.g.,* Securities Exchange Act Release No. 69658 (May 29, 2013), 78 FR 33454 (June 4, 2013) (SR–MIAX–2013–23).

[11] MIAX Rule 700 is nearly identical to ISE Rule 1100. ISE Rule 1100(c) did not account for the ability to exercise STOS on the expiration date.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) [15] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments:

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to rule-*comments@sec.gov.* Please include File No. SR–MIAX–2013–32 on the subject line.

Paper Comments:

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–MIAX–2013–32. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–MIAX–2013–32 and should be submitted on or before August 13, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17594 Filed 7–22–13; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

RVPlus, Inc.; Order of Suspension of Trading

July 19, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of RVPlus, Inc. (''RVPL'') because of questions regarding: (1) the adequacy of current financial information available about RVPL; (2) the accuracy of RVPL's periodic financial filings, including reported accounts receivable, assets and operations; and (3) assertions by RVPL in press releases to investors. RVPL is a Delaware corporation based in Jersey City, New Jersey and is traded under the symbol ''RVPL.''

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT, on July 19, 2013 through 11:59 p.m. EDT, on August 1, 2013.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2013–17755 Filed 7–19–13; 11:15 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of 30 day Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before August 22, 2013. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and *OMB Reviewer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION:

Title: Entrepreneurial Development Management Information System (EDMIS) Customer Intake Form & Management Training Report Form.

Frequency: On Occasion.

SBA Form Numbers: 641, 888.

Description of Respondents: 641 respondents: Individuals that receive counseling and training through SBA's resource partners. In addition, the resource partners themselves fill out part of the 641 form.

Responses: 1,265,000.

Annual Burden: 460,888.

Curtis Rich,

Management Analyst.

[FR Doc. 2013–17623 Filed 7–22–13; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 13663 and # 13664]

North Carolina Disaster # NC–00053

AGENCY: U.S. Small Business Administration.

ACTION: Notice

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of North Carolina dated 07/15/2013.

Incident: Severe Storms and Flooding.

Incident Period: 06/30/2013.

Effective Date: 07/15/2013.

Physical Loan Application Deadline Date: 09/13/2013.

Economic Injury (EIDL) Loan Application Deadline Date: 04/15/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Orange

Contiguous Counties:

North Carolina: Alamance, Caswell, Chatham, Durham, Person.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.750
Homeowners Without Credit Available Elsewhere	1.875
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.875
Non-Profit Organizations Without Credit Available Elsewhere	2.875
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.875

The number assigned to this disaster for physical damage is 13663 6 and for economic injury is 13664 0.

The States which received an EIDL Declaration # are North Carolina

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: July 15, 2013.

Karen G. Mills,

Administrator.

[FR Doc. 2013–17575 Filed 7–22–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 13662]

Colorado Disaster # CO–00058 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Notice

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Colorado, dated 07/15/2013.

Incident: West Fork Fire Complex

Incident Period: 06/05/2013 and continuing.

Effective Date: 07/15/2013

EIDL Loan Application Deadline Date: 04/15/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Hinsdale, Mineral, Rio Grande.

Contiguous Counties:

Colorado: Alamosa, Archuleta, Conejos, Gunnison, La Plata, Ouray, Saguache, San Juan.

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.875

The number assigned to this disaster for economic injury is 136620

The State which received an EIDL Declaration # is Colorado

(Catalog of Federal Domestic Assistance Number 59002)

Dated: July 15, 2013.

Karen G. Mills,

Administrator.

[FR Doc. 2013–17570 Filed 7–22–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 13665 and #13666]

North Dakota Disaster #ND–00039

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Dakota (FEMA–4128–DR), dated 07/12/2013.

Incident: Severe Storms and Flooding

Incident Period: 05/17/2013 through 06/16/2013

Effective Date: 07/12/2013

Physical Loan Application Deadline Date: 09/10/2013

Economic Injury (EIDL) Loan Application Deadline Date: 04/14/2014

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the

President's major disaster declaration on 07/12/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Benson, Bottineau, Cavalier, Dunn, Kidder, Mchenry, Mckenzie, Mclean, Mountrail, Nelson, Pembina, Pierce, Ramsey, Sheridan, Stark, Towner, Walsh, Ward, Wells, And the Spirit Lake Indian Reservation, and the Turtle Mountain Band of Chippewa Indian Reservation.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.875
Non-Profit Organizations Without Credit Available Elsewhere	2.875
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.875

The number assigned to this disaster for physical damage is 13665B and for economic injury is 13666B

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2013–17577 Filed 7–22–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 13667 and # 13668]

New York Disaster # NY–00136

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of New York (FEMA–4129–DR), dated 07/12/2013.

Incident: Severe Storms and Flooding.

Incident Period: 06/28/2013 through 07/04/2013.

Effective Date: 07/12/2013.

Physical Loan Application Deadline Date: 09/10/2013.

Economic Injury (EIDL) *Loan Application Deadline Date:* 04/14/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 07/12/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Allegany; Chenango; Cortland; Delaware ; Franklin; Herkimer; Madison; Montgomery; Niagara; Oneida; Otsego; Warren.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.875
Non-Profit Organizations Without Credit Available Elsewhere	2.875
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.875

The number assigned to this disaster for physical damage is 13667B and for economic injury is 13668B

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2013–17574 Filed 7–22–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 13660 and # 13661]

Montana Disaster # MT–00079

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Montana (FEMA–4127–DR), dated 07/10/2013.

Incident: Flooding

Incident Period: 05/19/2013 through 06/03/2013

Effective Date: 07/10/2013

Physical Loan Application Deadline Date: 09/09/2013

Economic Injury (EIDL) Loan Application Deadline Date: 04/10/2014

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 07/10/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Blaine, Chouteau, Custer, Dawson, Fergus, Garfield, Hill, Mccone, Musselshell, Petroleum, Rosebud, Valley, and the Fort Belknap, Fort Peck, and Rock Boy's Reservations.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.875
Non-Profit Organizations Without Credit Available Elsewhere	2.875
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.875

The number assigned to this disaster for physical damage is 136606 and for economic injury is 136616

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2013–17576 Filed 7–22–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

National Women's Business Council

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time, and agenda for the next meeting of the National Women's Business Council (NWBC). The meeting will be open to the public.

DATES: The meeting will be held on August 14th, 2013 from approximately 9:00 a.m. to 11:30 a.m. PST.

ADDRESSES: The meeting will be in San Francisco, CA. The Location is to be decided. Please check *www.nwbc.gov* as details are announced.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the National Women's Business Council. The National Women's Business Council is tasked with providing policy recommendations on issues of importance to women business owners to the President, Congress, and the SBA Administrator.

The purpose of the meeting is to provide updates on the NWBC's 2012 research agenda and action items for fiscal year 2014 included but not limited to procurement, access to capital, access to markets, veteran, young and high-growth women entrepreneurs. The topics to be discussed will include 2013 projects and 2014 goals and research.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public however advance notice of attendance is requested. Anyone wishing to attend or make a presentation to the NWBC must either email their interest to *info@nwbc.gov* or call the office number at 202–205–6827.

Those needing special accommodation in order to attend or participate in the meeting, please contact 202–205–6827 no later than August 7, 2013.

For more information, please visit our Web site at www.nwbc.gov.

Christopher R. Upperman,

Committee Management Officer and Special Advisor, Office of the Administrator.

Anie Borja,

Executive Director, National Women's Business Council.

[FR Doc. 2013–17625 Filed 7–22–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 8389]

Culturally Significant Objects Imported for Exhibition Determinations: ''Before and After the Horizon: Anishinaabe Artists of the Great Lakes''

AGENCY: Department of State.

ACTION: Notice, correction.

SUMMARY: On May 28, 2013, notice was published on page 32000 of the **Federal Register** (volume 78, number 102) of determinations made by the Department of State pertaining to the exhibition ''Before and After the Horizon: Anishinaabe Artists of the Great Lakes.'' The referenced notice is corrected here to include additional objects as part of the exhibition. Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000, I hereby determine that the additional objects to be included in the exhibition ''Before and after the Horizon: Anishinaabe Artists of the Great Lakes,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the National Museum of the American Indian, New York, New York, from on or about August 3, 2013, until on or about June 15, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the additional exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: July 16, 2013.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–17687 Filed 7–22–13; 8:45 am]

BILLING CODE 4710–05–P

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Public Law 104–13; Proposed Collection, Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Proposed Collection; comment request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR Section 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer: Mark Winter, Tennessee Valley Authority, 1101 Market Street (MP–3C), Chattanooga, Tennessee 37402–2801; (423) 751–6004.

Comments should be sent to the Agency Clearance Officer no later than *August 22, 2013.*

SUPPLEMENTARY INFORMATION:

Type of Request: Regular submission.

Title of Information Collection: Employment Application.

Frequency of Use: On Occasion.

Type of Affected Public: Individuals.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 999.

Estimated Number of Annual Responses: 3,000.

Estimated Total Annual Burden Hours: 3,000.

Estimated Average Burden Hours Per Response: 1.0.

Need For and Use of Information: Applications for employment are needed to collect information on qualifications, suitability for employment, and eligibility for veteran's preference. The information is used to make comparative appraisals and to assist in selections. The affected public consists of individuals who apply for TVA employment.

Michael T. Tallent,

Director, Enterprise Information Security & Policy.

[FR Doc. 2013–17573 Filed 7–22–13; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request To Release Airport Property

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on request to release airport property at Sioux Gateway Airport/Col. Bud Day Field, Sioux City, Iowa.

SUMMARY: The FAA proposes to rule and invites public comment on the release of land at Sioux Gateway Airport/Col. Bud Day Field, Sioux City, Iowa, under the provisions of 49 U.S.C. 47107(h)(2).

DATES: Comments must be received on or before August 22, 2013.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Curt Miller, Airport Manager, 2403 Aviation Blvd., Sioux City, IA 51111, (712) 898–0253.

FOR FURTHER INFORMATION CONTACT: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106, (816) 329–2644, *lynn.martin@faa.gov.*

The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release approximately 100.72 acres of airport property at Sioux Gateway Airport/Col. Bud Day Field (SUX) under the provisions of 49 U.S.C. 47107(h)(2). On April 13, 2013, the Airport Manager at Sioux Gateway Airport/Col. Bud Day Field, requested from the FAA that approximately 100.72 acres of property be released for sale to Sabre Industries for use as light industrial/manufacturing. On July 1, 2013, the FAA determined that the request to release property at Sioux Gateway Airport/Col. Bud Day Field (SUX) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

The following is a brief overview of the request:

Sioux Gateway Airport/Col. Bud Day Field (SUX) is proposing the release of airport property totaling 100.72 acres, more or less. This land is to be used for light industrial/manufacturing. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at Sioux Gateway Airport/Col. Bud Day Field (SUX) being changed from aeronautical to non-aeronautical use and release the lands from the conditions of the Airport Improvement Program Grant Agreement Grant Assurances. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property, which will be subsequently reinvested in another eligible airport improvement project for general aviation facilities at Sioux Gateway Airport/Col. Bud Day Field.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at Sioux Gateway Airport/Col. Bud Day Field.

Issued in Kansas City, MO on July 17, 2013.

Jim A. Johnson,

Manager, Airports Division.

[FR Doc. 2013–17659 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0064]

Petition for Modification of Single Car Air Brake Test Procedures

In accordance with Part 232 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated June 6, 2013, the Association of American Railroads (AAR) has petitioned the Federal Railroad Administration (FRA) per 49 CFR 232.307 to modify the single car air brake test procedures located in AAR Standard S–486, Code of Air Brake System Tests for Freight Equipment—Single Car Test, and required pursuant to 49 CFR 232.305(a). FRA assigned the petition Docket Number FRA–2013–0064.

The requested revisions editorially change sections for the purposes of clarity and organizational efficiency. The sections, paragraphs, and parts of AAR Standard S–486 that AAR requests to be modified are as follows:

§ 2.1.3: Changed choke diameters of Position 5 and the 3/8-inch cock. Position 5 diameters changed from 0.147″ to 0.136″, reducing the discharge rate to prevent an undesired emergency on cars with short brake pipes. Also, the choke in the 3/8-inch cock valve changed from 0.266″ (17/64″) to 0.313″ (5/16″), increasing the discharge rate to ensure emergency application on cars with long brake pipes.

§§ 2.2.4–2.2.6: Revised for clarification with no technical changes.

§ 2.2.7: Added a reference to use RP–5599 (hook-and-eye) as the adjustment procedure.

§ 2.3: Revised into a step-by-step procedure, no technical changes.

§ 3.1: Moved steps related to safety up in the procedure so they could be performed first. Appendix A was added for troubleshooting. The specific location for the brake cylinder gage was added. A setup instruction for the retaining valve was added.

§ 3.1.1: Clarified and added details regarding operation of the empty/load valve designs.

§ 3.2: Revised for clarification with no technical changes.

§ 3.5.2: Added a requirement to soap all fittings to check for leakage during the system leakage test.

§ 3.6.4: Added more detail to check for slack during hand brake release.

§ 3.7: Added new section to condition slack adjuster at the beginning of the test with blocks (two applications and two releases).

§§ 3.8.1, 3.8.2: Changed from 30 to 40 psi to improve efficiency.

§§ 3.9.4, 3.10.2.2: Added criteria for brake cylinder pressure.

§ 3.11: Added time criteria to ensure brake pipe exhaust.

§ 3.12.5: Added time and pressure criteria.

§ 3.13: Added criteria for brake pipe pressure to set up for next test.

§ 3.14: Reinstated the applied leakage test.

§ 3.16: Added steps for slack adjuster conditioning without blocks.

§ 3.18.1: Added criteria for piston travel +/- 0.5″.

§ 3.20: Changed from 20 to 17 psi.

§ 4.1: Changed from 20 to 30 psi to get past the equalization pressure for consistency.

§ 4.1.2: Added criteria for piston travel +/- 0.5″.

§ 4.2: Changed from 3 to 4 minutes for consistency.

§§ 4.2.1, 4.5, 4.6: Added 12 psi criteria.

§ 4.6.5: Changed from 20 to 17 psi.

§§ 5.3.1, 6.3.1: Changed rotary valve calibration rate from 2 to 1.5 seconds.

§§ 5.3.4, 6.3.4: Added criteria of 0.5 seconds to rate.

§ 7.3: Revised calibration procedure per request of FRA.

These technical revisions are also highlighted in the PDF file of the revised standard, which FRA has included in the docket to this proceeding.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 23, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. Pursuant to 49 CFR 232.307(d), if no comment objecting to the requested modification is received by September 23, 2013, or if FRA does not issue a written objection to the requested modification, the modification will become effective by October 7, 2013.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–17614 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 33 (Sub-No. 313X)]

Union Pacific Railroad Company—Abandonment Exemption—in Miami County, KS

Union Pacific Railroad Company (UP) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon 0.50 miles of the Osawatomie Industrial Lead, from milepost 335.0 to milepost 335.5 near Osawatomie, in Miami County, Kan. The line traverses United States Postal Service Zip Code 66064.

UP has certified that: (1) No local traffic has moved over the line for at least two years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 22, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by August 2, 2013. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 12, 2013, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to UP's representative: Mack H. Shumate, Jr., 101 North Wacker Drive, #1920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

UP has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by July 26, 2013. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA, at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by July 23, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: July 16, 2013.

By the Board, Richard Armstrong, Acting Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2013–17616 Filed 7–22–13; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Fiscal Service

Proposed Collection of Information: Annual Financial Statement of Surety Companies—Schedule F

AGENCY: Bureau of the Fiscal Service, Fiscal Service, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Bureau of the Fiscal Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection. By this notice, the Bureau of the Fiscal Service solicits comments concerning the Form FMS–6314 ''Annual Financial Statement of Surety Companies—Schedule F.''

DATES: Written comments should be received on or before September 23, 2013.

ADDRESSES: Direct all written comments to the Bureau of the Fiscal Service, Records and Information Management Branch, Room 135, 3700 East West Highway, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Melvin Saunders, Surety Bond Branch, Room 632F, 3700 East West Highway, Hyattsville, MD 20782, (202) 874–5283.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Bureau of the Fiscal Service solicits comments on the collection of information described below:

Title: Annual Financial Statement of Surety Companies—Schedule F.

OMB Number: 1510–0012.

Form Number: FMS–6314.

Abstract: This form provides information that is used to determine the amount of unauthorized reinsurance of Treasury approved Surety Companies and Treasury approved Admitted Reinsurers. This computation is necessary to ensure the solvency of companies recognized by the Treasury to write Federal surety bonds, and their ability to carry out contractual requirements.

Current Actions: Extension of currently approved collection.

Type of Review: Regular.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 328.

Estimated Time per Respondent: Varies from 1 hours to 40 hours.

Estimated Total Annual Burden Hours: 6,724.

Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: July 16, 2013.

Patricia M. Greiner,

Assistant Commissioner for Management (CFO).

[FR Doc. 2013–17518 Filed 7–22–13; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0587]

Agency Information Collection (Service Data Manual) Activities Under OMB Review

AGENCY: Office of Acquisition and Logistics, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Acquisition and Materiel Management, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 22, 2013.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0587'' in any correspondence.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email: *crystal.rennie@va.gov*. Please refer to ''OMB Control No. 2900–0587.''

SUPPLEMENTARY INFORMATION:

Title: Veterans Affairs Acquisition Regulation (VAAR) Clause 852.211–70, Service Data Manual.

OMB Control Number: 2900–0587.

Type of Review: Revision of a currently approved collection.

Abstract: VAAR clause 852.211–70, Service Data Manual, requires a contractor to furnish both operator's manuals and maintenance/repair manuals when technical medical equipment and devices, or mechanical equipment are provided to VA. This clause sets forth those requirements and the minimum standards the manuals must meet to be acceptable. The operator's manual will be used by the individual operating the equipment to ensure proper operation and cleaning and the maintenance/repair manual will be used by VA equipment repair staff.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 15, 2013, at pages 22637–22368.

Affected Public: Business or other for profit and not-for-profit institutions.

Estimated Annual Burden: 621 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,725.

Dated: July 18, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–17653 Filed 7–22–13; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the **Federal Register** describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Executive Order 12866 ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), and Office of Management and Budget memoranda implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry.

The *Unified Agenda of Federal Regulatory and Deregulatory Actions* (Unified Agenda) helps agencies fulfill these requirements. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of the Unified Agenda.

Editions of the Unified Agenda prior to fall 2007 were printed in their entirety in the **Federal Register**. Beginning with the fall 2007 edition, the Internet is the basic means for conveying regulatory agenda information to the maximum extent legally permissible. The complete Unified Agenda for spring 2013, which contains the regulatory agendas for 58 Federal agencies, is available to the public at *http://reginfo.gov.*

The spring 2013 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

ADDRESSES: Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW., MVE, Room 2219F, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW., MVE, Room 2219F, Washington, DC 20405, (202) 482–7340. You may also send comments to us by email at: *RISC@gsa.gov.*

SUPPLEMENTARY INFORMATION:

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I. What is the Unified Agenda?
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Agency Agendas

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Department of the Treasury

Other Executive Agencies

Architectural and Transportation Barriers Compliance Board
Environmental Protection Agency
General Services Administration
National Aeronautics and Space Administration
Small Business Administration

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

Independent Regulatory Agencies

Consumer Financial Protection Bureau
Consumer Product Safety Commission
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Reserve System
Nuclear Regulatory Commission
Securities and Exchange Commission

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

I. What is the Unified Agenda?

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. To further the objective of using modern technology to deliver better service to the American people for lower cost, beginning with the fall 2007 edition, the Internet is the basic means for conveying regulatory agenda information to the maximum extent legally permissible. The complete Unified Agenda is available to the public at *http://reginfo.gov.* The online Unified Agenda offers flexible search tools and will soon offer access to the entire historic Unified Agenda database.

The spring 2013 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at *http://reginfo.gov.*

These publication formats meet the publication mandates of the Regulatory Flexibility Act and Executive Order 12866, as well as move the Agenda process toward the goal of e-Government, at a substantially reduced printing cost compared with prior editions. The current format does not reduce the amount of information available to the public, but it does limit most of the content of the Agenda to online access. The complete online edition of the Unified Agenda includes regulatory agendas from 60 Federal agencies. Agencies of the United States Congress are not included.

The following agencies have no entries identified for inclusion in the printed regulatory flexibility agenda. The regulatory agendas of these agencies are available to the public at *http://reginfo.gov.*

Department of Housing and Urban Development
Department of State
Department of Veterans Affairs
Agency for International Development
Architectural and Transportation Barriers Compliance Board
Commission on Civil Rights
Committee for Purchase From People Who Are Blind or Severely Disabled
Corporation for National and Community Service

Court Services and Offender Supervision Agency for the District of Columbia
Equal Employment Opportunity Commission
Export-Import Bank of the United States
Federal Mediation and Conciliation Service
Financial Stability Oversight Council
Institute of Museum and Library Services
National Archives and Records Administration
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation
Office of Government Ethics
Office of Management and Budget
Office of Personnel Management
Peace Corps
Pension Benefit Guaranty Corporation
Railroad Retirement Board
Social Security Administration
Commodity Futures Trading Commission
Farm Credit Administration
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Trade Commission
National Credit Union Administration
National Indian Gaming Commission
National Labor Relations Board
Postal Regulatory Commission
Recovery Accountability and Transparency Board
Surface Transportation Board

The Regulatory Information Service Center (the Center) compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866. The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Unified Agenda does not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why is the Unified Agenda published?

The Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Regulatory Flexibility Act

The *Regulatory Flexibility Act* requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272 entitled ''Proper Consideration of Small Entities in Agency Rulemaking,'' signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 12866

Executive Order 12866 entitled ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their ''most important significant regulatory actions,'' which appears as part of the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

Executive Order 13132

Executive Order 13132 entitled ''Federalism,'' signed August 4, 1999 (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose nonstatutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The *Unfunded Mandates Reform Act of 1995* (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions ''that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more . . . in any 1 year . . .'' The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211 entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for ''those matters identified as significant energy actions.'' As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether

they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The *Small Business Regulatory Enforcement Fairness Act* (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a ''major'' rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is ''major'' if it has resulted, or is likely to result, in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How is the Unified Agenda organized?

Agency regulatory flexibility agendas are printed in a single daily edition of the **Federal Register**. A regulatory flexibility agenda is printed for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The parts are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Agencies may in turn be divided into subagencies. Each agency's part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency's printed entries that follow.

The online, complete Unified Agenda contains the preambles of all participating agencies. Unlike the printed edition, the online Agenda has no fixed ordering. In the online Agenda, users can select the particular agencies whose agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics. The online edition retains the Unified Agenda's subject index based on the **Federal Register Thesaurus of Indexing Terms**. In addition, online users have the option of searching Agenda text fields for words or phrases.

IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—a brief description of the subject of the regulation. In the printed edition, the notation ''Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will 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. The definition of an ''economically significant'' rule is similar but not identical to the definition of a ''major'' rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major—whether the rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 03/00/11 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is ''To Be Determined.'' ''Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

Federalism—whether the action has ''federalism implications'' as defined in Executive Order 13132. This term refers to actions ''that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan—whether the rulemaking was included in the agency's current regulatory plan published in fall 2010.

Agency Contact—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL—the Internet address of a site that provides more information about the entry.

Public Comment URL—the Internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the governmentwide e-rulemaking site, *http://www.regulations.gov.*

Additional Information—any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public—the estimated gross compliance cost of the action.

Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Some agencies that participated in the fall 2010 edition of The Regulatory Plan have chosen to include the following information for those entries that appeared in the Plan:

Statement of Need—a description of the need for the regulatory action.

Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.

Risks—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more

information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

EO—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

- a statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

Public Law (or Pub. L.)—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, Pub. L. 110–4 is the fourth public law of the 110th Congress.

RFA—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No.—The sequence number identifies the location of an entry in the printed edition of the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

VI. How can users get copies of the Agenda?

Copies of the **Federal Register** issue containing the printed edition of the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's Web site. Please contact the particular agency for further information.

All editions of *The Regulatory Plan* and the *Unified Agenda of Federal Regulatory and Deregulatory Actions* since fall 1995 are available in electronic form at *http://reginfo.gov,* along with flexible search tools. During 2011, searchable access to the entire historic Unified Agenda database back to 1983 will be added to the site.

In accordance with regulations for the **Federal Register**, the Government Printing Office's GPO Access Web site contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at *http://www.gpoaccess.gov/ua/index.html.*

Dated: July 1, 2013.

John C. Thomas,

Director.

[FR Doc. 2013–17049 Filed 7–22–13; 8:45 am]

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Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE

Office of the Secretary

2 CFR Subtitle B, Ch. IV

5 CFR Ch. LXXIII

7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII

9 CFR Chs. I–III

36 CFR Ch. II

48 CFR Ch. 4

Semiannual Regulatory Agenda, Spring 2013

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders (EO) 12866 ''Regulatory Planning and Review'' and 13563 ''Improving Regulation and Regulatory Review.'' The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with Executive Order 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at *www.reginfo.gov.* Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: April 24, 2013.

Michael Poe,

Chief, Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
1	National Organic Program, Organic Pet Food Standards	0581–AD20
2	National Organic Program; Sunset Review (2012) for Sodium Nitrate	0581–AD22

AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
3	National Organic Program: Sunset Review for Nutrient Vitamins and Minerals	0581–AD17

AGRICULTURAL MARKETING SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
4	Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Perishable Agricultural Commodities, Peanuts, Pecans, Macadamia Nuts, Ginseng, etc., LS–13–0004.	0581–AD29

FARM SERVICE AGENCY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
5	Farm Loan Programs, Clarification and Improvement	0560–AI14

FARM SERVICE AGENCY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
6	Microloan Operating Loans	0560–AI17

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
7	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs **(Rulemaking Resulting From a Section 610 Review)**.	0579–AB24
8	Scrapie in Sheep and Goats	0579–AC92
9	Plant Pest Regulations; Update of General Provisions	0579–AC98
10	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts.	0579–AD10
11	Importation of Beef From a Region in Brazil	0579–AD41
12	Domestic Regulation of Firewood	0579–AD49
13	Brucellosis and Bovine Tuberculosis; Update of General Provisions	0579–AD65
14	Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables.	0579–AD71

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
15	Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity	0579–AB35
16	Citrus Canker; Compensation for Certified Citrus Nursery Stock	0579–AC05
17	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering	0579–AC31
18	Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza.	0579–AC36
19	Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products	0579–AC68
20	Lacey Act Implementation Plan; Definitions for Exempt and Regulated Articles	0579–AD11
21	Importation of Live Dogs	0579–AD23
22	Importation of Wood Packaging Material From Canada	0579–AD28
23	Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock.	0579–AD29
24	Treatment of Firewood and Spruce Logs Imported From Canada	0579–AD60

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
25	Handling of Animals; Contingency Plans	0579–AC69
26	Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations.	0579–AD09
27	Animal Disease Traceability	0579–AD24
28	Importation of Horses From Contagious Equine Metritis-Affected Countries	0579–AD31
29	Importation of Sand Pears From China	0579–AD42
30	Plum Pox Compensation	0579–AD58

RURAL HOUSING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
31	Guaranteed Single-Family Housing	0575–AC18

FOOD AND NUTRITION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
32	Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010.	0584–AE18

FOOD AND NUTRITION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
33	National School Lunch and School Breakfast Programs: Nutrition Standards For All Foods Sold in School, as Required By the Healthy, Hunger-Free Kids Act of 2010.	0584–AE09

FOOD AND NUTRITION SERVICE—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
34	Certification of Compliance With Meal Requirements for the National School Lunch Program Under the Healthy, Hunger-Free Kids Act of 2010.	0584–AE15

FOOD SAFETY AND INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
35	Performance Standards for the Production of Processed Meat and Poultry Products	0583–AC46

FOOD SAFETY AND INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
36	Mandatory Inspection of Catfish and Catfish Products	0583–AD36

FOREST SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
37	National Forest System Invasive Species Management Handbook	0596–AD05

FOREST SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
38	Land Management Planning Rule Policy	0596–AD06

OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
39	Designation of Biobased Items for Federal Procurement, Round 10	0599–AA16

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Proposed Rule Stage

1. National Organic Program, Organic Pet Food Standards

Legal Authority: 7 U.S.C. 6501

Abstract: The National Organic Program (NOP) is establishing national standards governing the marketing of organically produced agricultural products. In 2004, the National Organic Standards Board (NOSB) initiated the development of organic pet food standards, which had not been incorporated into the NOP regulations, by forming a task force which included pet food manufacturers, organic consultants, etc. Collectively, these experts drafted organic pet food standards consistent with the Organic Foods Production Act of 1990, Food and Drug Administration requirements, and the Association of American Feed Control Officials (AAFCO) Model Regulations for Pet and Specialty Pet Food. The AAFCO regulations are scientifically-based regulations for voluntary adoption by State jurisdictions to ensure the safety, quality and effectiveness of feed. In November 2008, the NOSB approval a final recommendation for organic pet food standards incorporating the provisions drafted by the pet food task force.

Timetable:

Action	Date	FR Cite
NPRM	12/00/13	
Final Action	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa R Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW., Rm. 2646—South Building, Washington, DC 20250. *Phone:* 202 720–3252. *Fax:* 202 205–7808. *Email: melissa.bailey@usda.gov.*

RIN: 0581–AD20

2. National Organic Program; Sunset Review (2012) for Sodium Nitrate

Legal Authority: 7 U.S.C. 6501

Abstract: This action proposes to amend the listing for sodium nitrate on the National List of Allowed and Prohibited Substances as part of the 2012 Sunset Review process. Consistent with the recommendation from the National Organic Standards Board, this amendment would prohibit the use of the substance in its entirety from organic crop production.

Timetable:

Action	Date	FR Cite
NPRM	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa R. Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW., Rm. 2646—South Building, Washington, DC 20250, *Phone:* 202 720–3252. *Fax:* 202 205–7808. *Email: melissa.bailey@usda.gov.*

RIN: 0581–AD22

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Final Rule Stage

3. National Organic Program: Sunset Review for Nutrient Vitamins and Minerals

Legal Authority: 7 U.S.C. 6501

Abstract: This action renews the listing for nutrient vitamins and minerals on the National List of Allowed and Prohibited Substances (National List) as part of the 2012 Sunset Review process. Consistent with the recommendation from the National Organic Standards Board (NOSB), this action ensures that the U.S. organic industry can continue using vitamins and minerals in organic products (e.g., the addition of Vitamin A and D in organic milk, the addition of B vitamins in organic cereal). Under this action, the status quo will remain in effect such that nutrients currently used in organic products can continue to be used until the Agricultural Marketing Service (AMS) addresses any changes in their allowance through a final rule.

Timetable:

Action	Date	FR Cite
NPRM	01/12/12	77 FR 1980
NPRM Comment Period End.	03/12/12	
Interim Final Rule	09/27/12	77 FR 59287
Interim Final Rule Comment Period End.	10/21/12	
Final Action	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa R Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW., Rm. 2646—South Building, Washington, DC 20250, *Phone:* 202 720–3252. *Fax:* 202 205–7808, *Email: melissa.bailey@usda.gov.*

RIN: 0581–AD17

DEPARTMENT OF AGRICULture (USDA)

Agricultural Marketing Service (AMS)

Completed Actions

4. • Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Perishable Agricultural Commodities, Peanuts, Pecans, Macadamia Nuts, Ginseng, etc., LS–13–0004

Legal Authority: 7 U.S.C. 1621 *et seq.*

Abstract: The Farm Security and Rural Investment Act of 2002 (2002 Farm Bill) (Pub. L. 107–171), the 2002 Supplemental Appropriations Act (2002 Appropriations) (Pub. L. 107–206), and the Food, Conservation and Energy Act of 2008 (2008 Farm Bill) (Pub. L. 110–234) amended the Agricultural Marketing Act of 1946 (Act) (7 U.S.C. 1621 *et seq.*) to require retailers to notify their customers of the country of origin of covered commodities. Covered commodities include muscle cuts of beef (including veal), lamb, chicken, goat, and pork; ground beef, ground lamb, ground chicken, ground goat, and ground pork; wild and farm-raised fish and shellfish; perishable agricultural commodities; macadamia nuts; pecans; ginseng; and peanuts.

AMS published a final rule for all covered commodities on January 15, 2009, which took effect on March 16, 2009. The Department proposes to amend the COOL regulations to modify the labeling provisions for muscle cut covered commodities as a result of the recent World Trade Organization dispute and to make other minor modifications to enhance the overall operation of the program.

Timetable:

Action	Date	FR Cite
NPRM	03/12/13	78 FR 15645
NPRM Comment Period End.	04/11/13	
Final Rule Effective.	05/23/13	
Final Rule	05/24/13	78 FR 31367

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erin Morris, Department of Agriculture, Agricultural Marketing Service, 14th and Independence Avenue SW., Room 3071—South Building, Washington, DC 20250, *Phone:* 202 690–4024. *Email: erin.morris@ams.usda.gov.*

RIN: 0581–AD29

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULture (USDA)

Farm Service Agency (FSA)

Final Rule Stage

5. Farm Loan Programs, Clarification and Improvement

Legal Authority: 5 U.S.C. 301; 7 U.S.C. 1989

Abstract: The rule will amend Farm Loan Programs (FLP) regulations for loan servicing including the following areas:

—Real estate appraisals;

—Lease, subordination, and disposition of security; and

—Conservation contracts.

FSA is also making technical and conforming amendments. The amendments are technical corrections, clarifications, and procedural improvements that will allow FSA to further streamline normal servicing activities and reduce burden on borrowers while still protecting the loan security.

Timetable:

Action	Date	FR Cite
NPRM	04/13/12	77 FR 22444
NPRM Comment Period End.	06/12/12	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW., Washington, DC 20250–0572, *Phone:* 202 205–5851. *Fax:* 202 720–5233. *Email: deirdre.holder@wdc.usda.gov.*

RIN: 0560–AI14

DEPARTMENT OF AGRICULture (USDA)

Farm Service Agency (FSA)

Completed Actions

6. Microloan Operating Loans

Legal Authority: 7 U.S.C. 1946; 5 U.S.C. 301; 7 U.S.C. 1989

Abstract: This action is complete. The rule established a new small loan category within the existing direct Operating Loan Program regulations. The microloan program is expected to serve the unique operating needs of very small family farm operations. The intended effect is to make the Operating Loan Program more widely available and attractive to smaller operators through reduced application

requirements, more timely application processing, and added flexibility in meeting the managerial ability eligibility requirement.

Completed:

Reason	Date	FR Cite
Final Rule	01/17/13	78 FR 3828
Final Rule Effective.	01/17/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deirdre Holder, *Phone:* 202 205–5851, *Fax:* 202 720–5233, *Email:* *deirdre.holder@wdc.usda.gov.*

RIN: 0560–AI17

BILLING CODE 3410–05–P

Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

7. Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs (Rulemaking Resulting From a Section 610 Review)

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: The U.S. Department of Agriculture regulates the humane handling, care, treatment, and transportation of certain marine mammals under the Animal Welfare Act. The present standards for these animals have been in effect since 1979 and amended in 1984. During this time, advances have been made and new information has been developed with regard to the housing and care of marine mammals. This rulemaking addresses marine mammal standards on which consensus was not reached during negotiated rulemaking conducted between September 1995 and July 1996. These actions appear necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

Timetable:

Action	Date	FR Cite
ANPRM	05/30/02	67 FR 37731
ANPRM Comment Period End.	07/29/02	
NPRM	07/00/13	
NPRM Comment Period End.	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barbara Kohn, Senior Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737–1234, *Phone:* 301 851–3751.

RIN: 0579–AB24

8. Scrapie in Sheep and Goats

Legal Authority: 7 U.S.C. 8301 to 8317

Abstract: This rulemaking would amend the scrapie regulations by changing the risk groups and categories established for individual animals and for flocks. It would simplify, reduce, or remove certain recordkeeping requirements. This action would provide designated scrapie epidemiologists with more alternatives and flexibility when testing animals in order to determine flock designations under the regulations. It would also make the identification and recordkeeping requirements for goat owners consistent with those for sheep owners. These changes would affect sheep and goat producers and State governments.

Timetable:

Action	Date	FR Cite
NPRM	09/00/13	
NPRM Comment Period End.	11/00/13	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Diane Sutton, National Scrapie Program Coordinator, Ruminant Health Programs, NCAHP, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737–1235, *Phone:* 301 851–3509.

RIN: 0579–AC92

9. Plant Pest Regulations; Update of General Provisions

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 2260; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8817; 19 U.S.C. 136; 21 U.S.C. 111; 21 U.S.C. 114a; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332.

Abstract: We are proposing to revise our regulations regarding the movement of plant pests. We are proposing to regulate the movement of not only plant pests, but also biological control organisms and associated articles. We are proposing risk-based criteria regarding the movement of biological control organisms, and are proposing to establish regulations to allow the movement in interstate commerce of certain types of plant pests without restriction by granting exceptions from permitting requirements for those pests. We are also proposing to revise our regulations regarding the movement of soil and to establish regulations governing the biocontainment facilities in which plant pests, biological control organisms, and associated articles are held. This proposed rule replaces a previously published proposed rule, which we are withdrawing as part of this document. This proposal would clarify the factors that would be considered when assessing the risks associated with the movement of certain organisms, facilitate the movement of regulated organisms and articles in a manner that also protects U.S. agriculture, and address gaps in the current regulations.

Timetable:

Action	Date	FR Cite
Notice of Intent To Prepare an Environmental Impact Statement.	10/20/09	74 FR 53673
Notice Comment Period End.	11/19/09	
NPRM	11/00/13	
NPRM Comment Period End.	01/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shirley Wager-Page, Chief, Pest Permitting Branch, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 131, Riverdale, MD 20737–1236, *Phone:* 301 851–2323.

RIN: 0579–AC98

10. Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would amend the bovine spongiform encephalopathy (BSE) and scrapie regulations regarding the importation of live sheep, goats, and wild ruminants and their embryos, semen, products, and byproducts. The proposed scrapie revisions regarding the importation of sheep, goats, and susceptible wild ruminants for other than immediate slaughter are similar to those recommended by the World Organization for Animal Health in restricting the importation of such animals to those from scrapie-free regions or certified scrapie-free flocks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	
NPRM Comment Period End.	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Merrill, Assistant Director, Technical Trade Services, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231, *Phone:* 301 851–3300.

RIN: 0579–AD10

11. Importation of Beef From a Region in Brazil

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701.

Abstract: This rulemaking would amend the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Brazil (the States of Bahia, Distrito Federal, Espirito Santo, Goias, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Parana, Rio Grande do Sul, Rio de Janeiro, Rondonia, Sao Paulo, Sergipe, and Tocantis). Based on the evidence in a recent risk assessment, we have determined that fresh (chilled or frozen) beef can be safely imported from those Brazilian States provided certain conditions are met. This action would provide for the importation of beef from the designated region in Brazil into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	
NPRM Comment Period End.	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Silvia Kreindel, Senior Staff Veterinarian, Regionalization Evaluation Services Staff, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231, *Phone:* 301 851–3313.

RIN: 0579–AD41

12. Domestic Regulation of Firewood

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786.

Abstract: This rulemaking would require that commercial firewood destined to be moved interstate be affixed with a label on which the county and State, or counties and States, in which the wood from which the firewood was produced was harvested, the site at which the firewood was produced, what phytosanitary treatment, if any, the firewood has received, and contact information for reporting detections of suspected plant pests are prominently and legibly displayed. We would also require firewood producers, distributors, and retailers to retain records regarding the manufacturing, purchase, and sale of the firewood. Although the movement of commercial firewood in interstate commerce can be a pathway for numerous plant pests, this movement is currently largely unregulated. This action would aid in preventing the further dissemination of plant pests within the United States through the interstate movement of firewood.

Timetable:

Action	Date	FR Cite
NPRM	11/00/13	
NPRM Comment Period End.	01/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Chaloux, National Program Manager, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737–1236, *Phone:* 301 851–2064.

RIN: 0579–AD49

13. Brucellosis and Bovine Tuberculosis; Update of General Provisions

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 15 U.S.C. 1828; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701.

Abstract: This rulemaking would consolidate the regulations governing bovine tuberculosis (TB), currently found in 9 CFR part 77, and those governing brucellosis, currently found in 9 CFR part 78. As part of this consolidation, we are proposing to transition the TB and brucellosis programs away from a state status system based on disease prevalence. Instead, States and tribes would implement an animal health plan that identifies sources of the diseases within the State or tribe and specifies mitigations to address the risk posed by these sources. The consolidated regulations would also set forth standards for surveillance, epidemiological investigations, and affected herd management that must be incorporated into each animal health plan, with certain limited exceptions; conditions for the interstate movement of cattle, bison, and captive cervids; and conditions for APHIS approval of tests for bovine TB or brucellosis. Finally, the rulemaking would revise the import requirements for cattle and bison to make these requirements clearer and assure that they more effectively mitigate the risk of introduction of the diseases into the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/00/13	
NPRM Comment Period End.	01/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Langston Hull, National Center for Import and Export, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737, *Phone:* 301 851–3300.

C. William Hench, Senior Staff Veterinarian, Ruminant Health Programs, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 2150 Centre Avenue, Building B–3E20, Ft. Collins, CO 80526, *Phone:* 970 494–7378.

RIN: 0579–AD65

14. • Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a.

Abstract: This rulemaking would amend our regulations governing the importations of fruits and vegetables by broadening our existing performance standard to provide for approval of all new fruits and vegetables for importation into the United States using a notice-based process. It would also remove the region- or commodity-specific phytosanitary requirements currently found in these regulations. Likewise, we are proposing an equivalent revision of the performance standard in our regulations governing the interstate movements of fruits and vegetables from Hawaii and the U.S. territories (Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and the removal of commodity-specific phytosanitary requirements from those regulations. This proposal would allow for the approval of requests

to authorize the importation or interstate movement of new fruits and vegetables in a manner that enables a more flexible and responsive regulatory approach to evolving pest situations in both the United States and exporting countries. It would not, however, alter the science-based process in which the risk associated with importation or interstate movement of a given fruit or vegetable is evaluated or the manner in which risks associated with the importation or interstate movement of a fruit or vegetable are mitigated.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	
NPRM Comment Period End.	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew Rhoads, Associate Executive Director, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 131, Riverdale, MD 20737–1231, *Phone:* 301 851–2133.

RIN: 0579–AD71

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

15. Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity

Legal Authority: 7 U.S.C. 8301 to 8317; 21 U.S.C. 111 to 113; 21 U.S.C. 120 and 121; 21 U.S.C. 125; 21 U.S.C. 134(b)

Abstract: This rulemaking establishes a herd certification program and requirements for the interstate movement of farmed or captive deer, elk, and moose and authorizes the payment of indemnity, subject to availability of funds, for the depopulation of farmed or captive deer, elk, and moose that have been infected with, or exposed to, chronic wasting disease (CWD).

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/08/02	67 FR 5925
Interim Final Rule Comment Period End.	04/09/02	
NPRM	12/24/03	68 FR 74513
NPRM Comment Period End.	02/23/04	
Final Rule	07/21/06	71 FR 41682
Delay of Effective Date.	09/08/06	71 FR 52983
Final Rule Effective.	10/19/06	
Notice of Receipt of Petitions and Request for Comments.	11/03/06	71 FR 64650
Comment Period End.	12/04/06	
Comment Period Extended.	11/21/06	71 FR 67313
Comment Period End.	01/03/07	
NPRM Supplemental Proposal.	03/31/09	74 FR 14495
NPRM Supplemental Proposal Comment Period End.	06/01/09	
Interim Final Rule	06/13/12	77 FR 35542
Interim Final Rule Comment Period End.	07/13/12	
Interim Final Rule Effective.	08/13/12	
Interim Final Rule Comment Period Reopened.	07/20/12	77 FR 42625
Interim Final Rule Comment Period End.	08/13/12	
Final Rule	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patrice Klein, Senior Staff Veterinarian, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737–1231, *Phone:* 301 851–3435.

RIN: 0579–AB35

16. Citrus Canker; Compensation for Certified Citrus Nursery Stock

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: This action follows a rulemaking that established provisions under which eligible commercial citrus nurseries could, subject to the availability of appropriated funds, receive payments for certified citrus nursery stock destroyed to control citrus canker. The payment of these funds was necessary in order to reduce the economic effects on affected commercial citrus nurseries that had certified citrus nursery stock destroyed to control citrus canker.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/08/06	71 FR 33168
Interim Final Rule Effective.	06/08/06	
Interim Final Rule Comment Period End.	08/07/06	
Affirmation of Interim Rule.	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lynn Evans–Goldner, National Program Manager, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 160, Riverdale, MD 20737–1231, *Phone:* 301 851–2286.

RIN: 0579–AC05

17. Introduction of Organisms and Products Altered or Produced Through Genetic Engineering

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 31 U.S.C. 9701

Abstract: This rulemaking will amend the regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms. This rule will affect persons involved in the importation, interstate movement, or release into the environment of genetically engineered plants and certain other genetically engineered organisms.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an Environmental Impact Statement.	01/23/04	69 FR 3271
Comment Period End.	03/23/04	
Notice of Availability of Draft Environmental Impact Statement.	07/17/07	72 FR 39021
Comment Period End.	09/11/07	
NPRM	10/09/08	73 FR 60007
NPRM Comment Period End.	11/24/08	
Correction	11/10/08	73 FR 66563
NPRM Comment Period Reopened.	01/16/09	74 FR 2907
NPRM Comment Period End.	03/17/09	
NPRM; Notice of Public Scoping Session.	03/11/09	74 FR 10517
NPRM Comment Period Reopened.	04/13/09	74 FR 16797
NPRM Comment Period End.	06/29/09	
Interim Final Rule	11/00/13	

Action	Date	FR Cite
Interim Final Rule Comment Period End.	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrea Huberty, Branch Chief, Regulatory and Environmental Analysis, BRS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 146, Riverdale, MD 20737–1236, *Phone:* 301 851–3880.

RIN: 0579–AC31

18. Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking will amend the regulations concerning the importation of animals and animal products to prohibit or restrict the importation of birds, poultry, and bird and poultry products from regions that have reported the presence in commercial birds or poultry of highly pathogenic avian influenza of any subtype. This action will supplement existing prohibitions and restrictions on articles from regions that have reported the presence of Newcastle disease or highly pathogenic avian influenza subtype H5N1.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/24/11	76 FR 4046
Interim Final Rule Comment Period End.	03/25/11	
Interim Final Rule Comment Period Reopened.	05/03/11	76 FR 24793
Interim Final Rule Comment Period Reopened End.	05/18/11	
Interim Final Rule Comment Period Reopened.	06/12/12	77 FR 34783
Interim Final Rule Comment Period Reopened End.	07/12/12	
Final Rule	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Javier Vargas, Case Manager, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737–1231, *Phone:* 301 851–3300.

RIN: 0579–AC36

19. Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking will amend the regulations regarding the importation of bovines and bovine products. This rulemaking will also address public comments received in response to a September 2008 request for comments regarding certain provisions of an APHIS January 2005 final rule.

Timetable:

Action	Date	FR Cite
NPRM	03/16/12	77 FR 15848
NPRM Comment Period End.	05/15/12	
NPRM Comment Period Reopened.	05/21/12	77 FR 29914
NPRM Comment Period Reopened End.	06/14/12	
Final Rule	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Betzaida Lopez, Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231, *Phone:* 301 851–3364.

Christopher Robinson, Senior Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 40, Riverdale, MD 20737–1231, *Phone:* 301 851–3300.

RIN: 0579–AC68

20. Lacey Act Implementation Plan; Definitions for Exempt and Regulated Articles

Legal Authority: 16 U.S.C. 3371 *et seq.*

Abstract: In response to recent amendments to the Lacey Act, we are establishing definitions for the terms ''common cultivar'' and ''common food crop'' and several related terms. The amendments to the Act expanded its protections to a broader range of plant species, extended its reach to encompass products, including timber, that derive from illegally harvested plants, and require that importers submit a declaration at the time of importation for certain plants and plant products. Common cultivars and common food crops are among the categorical exemptions to the provisions of the Act. The Act does not define the terms ''common cultivar'' and ''common food crop'' but instead gives authority to the U.S. Department of Agriculture and the U.S. Department of the Interior to define these terms by regulation. Our definitions specify which plants and plant products will be subject to the provisions of the Act, including the declaration requirement.

Timetable:

Action	Date	FR Cite
NPRM	08/04/10	75 FR 46859
NPRM Comment Period End.	10/04/10	
Extension of Comment Period.	10/29/10	75 FR 66699
Extension of Comment Period End.	11/29/10	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: George Balady, Staff Officer, Quarantine Policy Analysis and Support, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 60, Riverdale, MD 20737–1231, *Phone:* 301 851–2240.

RIN: 0579–AD11

21. Importation of Live Dogs

Legal Authority: 7 U.S.C. 2148

Abstract: We are amending the regulations to implement an amendment to the Animal Welfare Act (AWA). The Food, Conservation, and Energy Act of 2008 added a new section to the AWA to restrict the importation of certain live dogs. Consistent with this amendment, this rule prohibits the importation of dogs, with limited exceptions, from any part of the world into the continental United States or Hawaii for purposes of resale, research, or veterinary treatment, unless the dogs are in good health, have received all necessary vaccinations, and are at least 6 months of age. This action is necessary to implement the amendment to the AWA and will help to ensure the welfare of imported dogs.

Timetable:

Action	Date	FR Cite
NPRM	09/01/11	76 FR 54392
NPRM Comment Period End.	10/31/11	
Final Rule	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gerald Rushin, Veterinary Medical Officer, Animal Care, Department of Agriculture,

Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737–1231, *Phone:* 301 851–3740.

RIN: 0579–AD23

22. Importation of Wood Packaging Material From Canada

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations for the importation of unmanufactured wood articles to remove the exemption that allows wood packaging material from Canada to enter the United States without first meeting the treatment and marking requirements of the regulations that apply to wood packaging material from all other countries. This action is necessary in order to prevent the dissemination and spread of pests via wood packaging material from Canada.

Timetable:

Action	Date	FR Cite
NPRM	12/02/10	75 FR 75157
NPRM Comment Period End.	01/31/11	
Final Rule	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Tyrone Jones, Trade Director, Forestry Products, Phytosanitary Issues Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737–1231, *Phone:* 301 851–2344.

RIN: 0579–AD28

23. Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: This rulemaking will amend the regulations governing the interstate movement of regulated articles from areas quarantined for citrus canker, citrus greening, and/or Asian citrus psyllid (ACP) to allow the movement of regulated nursery stock under a certificate to any area within the United States. In order to be eligible to move regulated nursery stock, a nursery must enter into a compliance agreement with APHIS that specifies the conditions under which the nursery stock must be grown, maintained, and shipped. It will also amend the regulations that allow the movement of regulated nursery stock from an area quarantined for ACP, but not for citrus greening, to amend the existing regulatory requirements for the issuance of limited permits for the interstate movement of the nursery stock. We made these changes on an immediate basis in order to provide nursery stock producers in areas quarantined for citrus canker, citrus greening, or ACP with the ability to ship regulated nursery stock to markets within the United States that would otherwise be unavailable to them due to the prohibitions and restrictions contained in the regulations while continuing to provide adequate safeguards to prevent the spread of the three pests into currently unaffected areas of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/27/11	76 FR 23449
Interim Final Rule Effective.	04/27/11	
Interim Final Rule Comment Period End.	06/27/11	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lynn Evans–Goldner, National Program Manager, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 160, Riverdale, MD 20737–1231, *Phone:* 301 851–2286.

RIN: 0579–AD29

24. Treatment of Firewood and Spruce Logs Imported From Canada

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations to require firewood of all species imported from Canada, including treated lumber (furniture scraps) sold as kindling, and all spruce logs imported from Nova Scotia to be heat-treated and to be accompanied by either a certificate of treatment or an attached commercial treatment label. This action is necessary on an immediate basis to prevent the artificial spread of pests including emerald ash borer, Asian longhorned beetle, gypsy moth, European spruce bark beetle, and brown spruce longhorn beetle to noninfested areas of the United States and to prevent further introductions of these pests into the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/13	
Interim Final Rule Comment Period End.	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Tyrone Jones, Trade Director, Forestry Products, Phytosanitary Issues Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737–1231, *Phone:* 301 851–2344.

RIN: 0579–AD60

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

25. Handling of Animals; Contingency Plans

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: This rulemaking amends the Animal Welfare Act regulations to add requirements for contingency planning and training of personnel by research facilities and by dealers, exhibitors, intermediate handlers, and carriers. We are taking this action because we believe all licensees and registrants should develop a contingency plan for all animals regulated under the Animal Welfare Act in an effort to better prepare for potential disasters. This action will heighten the awareness of licensees and registrants regarding their responsibilities and help ensure a timely and appropriate response should an emergency or disaster occur.

Completed:

Action	Date	FR Cite
Final Rule	12/31/12	77 FR 76815
Final Rule Effective.	01/30/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeanie Lin, *Phone:* 919 855–7100.

RIN: 0579–AC69

26. Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations

Legal Authority: 7 U.S.C. 8401

Abstract: In accordance with the Agricultural Bioterrorism Protection Act of 2002, we are amending and republishing the list of select agents and toxins that have the potential to pose a severe threat to animal or plant health, or to animal or plant products. The Act requires the biennial review and republication of the list of select agents and toxins and the revision of the list as necessary. This action implements the findings of the third biennial review of

the list. In addition, we are reorganizing the list of select agents and toxins based on the relative potential of each select agent or toxin to be misused to adversely affect human, plant, or animal health. Such tiering of the list allows for the optimization of security measures for those select agents or toxins that present the greatest risk of deliberate misuse with the most significant potential for mass casualties or devastating effects to the economy, critical infrastructure, or public confidence. We are also making a number of amendments to the regulations, including the addition of definitions and clarification of language concerning security, training, biosafety, biocontainment, and incident response. These changes will increase the usability of the select agent regulations as well as provide for enhanced program oversight.

Completed:

Reason	Date	FR Cite
Final Rule	10/05/12	77 FR 61056
Final Rule Effective.	12/04/12	
Remaining Provisions of Final Rule Effective.	04/03/13	
Notice: Agency Information Collection Activities; OMB Approval Received.	02/15/13	78 FR 11138

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles L Divan, *Phone:* 301 851–2219.

RIN: 0579–AD09

27. Animal Disease Traceability

Legal Authority: 7 U.S.C. 8301 to 8317

Abstract: This rulemaking amends the regulations to establish minimum national official identification and documentation requirements for the traceability of livestock moving interstate. Under this rulemaking, unless specifically exempted, livestock belonging to species covered by the regulations that are moved interstate must be officially identified and accompanied by minimal documentation. These regulations specify approved forms of official identification for each species but allow the livestock covered under this rulemaking to be moved interstate with another form of identification, if agreed upon by animal health officials in the shipping and receiving States or Tribes. The purpose of this rulemaking is to improve our ability to trace livestock in the event that disease is found.

Completed:

Reason	Date	FR Cite
Final Rule	01/09/13	78 FR 2040
Final Rule Effective.	03/11/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Neil Hammerschmidt, *Phone:* 301 851–3539.

RIN: 0579–AD24

28. • Importation of Horses From Contagious Equine Metritis—Affected Countries

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: We are adopting as a final rule, with changes, an interim rule that amended the regulations regarding the importation of horses from countries affected with contagious equine metritis (CEM) by incorporating an additional certification requirement for imported horses 731 days of age or less and adding new testing protocols for test mares and imported stallions and mares more than 731 days of age. This document revises certain CEM-testing requirements for imported stallions and mares, and for test mares, that were amended in the interim rule. The interim rule was necessary to provide additional safeguards against the introduction of CEM through the importation of affected horses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/25/11	76 FR 16683
Interim Final Rule Effective.	03/25/11	
Interim Final Rule Comment Period End.	05/24/11	
Interim Final Rule; Delay of Enforcement.	05/31/11	76 FR 31220
Interim Final Rule; Delay of Enforcement and Reopening of Comment Period.	08/23/11	76 FR 52547
Interim Final Rule Comment Period End.	09/07/11	
Final Rule	02/11/13	78 FR 9577
Final Rule Effective.	03/13/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ellen Buck, Senior Staff Veterinarian, Equine Imports, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 36, Riverdale, MD 20737–1231, *Phone:* 301 851–3361.

RIN: 0579–AD31

29. • Importation of Sand Pears From China

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking amends the fruits and vegetables regulations to allow the importation of sand pears (Pyrus pyrifolia) from China into the United States. As a condition of entry, sand pears from areas in China in which the Oriental fruit fly (Bactrocera dorsalis) is not known to exist will have to be produced in accordance with a systems approach that includes requirements for registration of places of production and packinghouses, sourcing of pest-free propagative material, inspection for quarantine pests at set intervals by the national plant protection organization of China, bagging of fruit, safeguarding, labeling, and importation in commercial consignments. Sand pears from areas in China in which Oriental fruit fly is known to exist may be imported into the United States if, in addition to these requirements, the places of production and packinghouses have a monitoring system in place for Oriental fruit fly and the pears are treated with cold treatment. All sand pears from China will also be required to be accompanied by a phytosanitary certificate with an additional declaration stating that all conditions for the importation of the pears have been met and that the consignment of pears has been inspected and found free of quarantine pests. This action allows for the importation of sand pears from China into the United States while continuing to provide protection against the introduction of quarantine pests.

Timetable:

Action	Date	FR Cite
NPRM	12/16/11	76 FR 78168
NPRM Comment Period End.	02/14/12	
Final Rule	12/19/12	77 FR 75007
Final Rule Effective.	01/18/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Farrell Wise, Supervisory Agriculturist, Regulatory Coordination and Compliance, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737, *Phone:* 301 851–2280.

RIN: 0579–AD42

30. • Plum Pox Compensation

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: We are adopting as a final rule, without change, an interim rule that amended the plum pox regulations to provide for the payment of compensation to eligible owners of non-fruit-bearing ornamental tree nurseries and to increase the amount of compensation that may be paid to eligible owners of commercial stone fruit orchards and fruit tree nurseries whose trees are required to be destroyed in order to prevent the spread of plum pox. The interim rule also provided updated instructions for the submission of claims for compensation. These changes were necessary to provide adequate compensation to persons who are economically affected by the plum pox quarantine and the associated State and Federal eradication efforts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/03/12	77 FR 5381
Interim Final Rule Effective.	02/03/12	
Interim Final Rule Comment Period End.	04/03/12	
Affirmation of Interim Final Rule.	09/21/12	77 FR 58469

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lynn Evans–Goldner, Plum Pox National Program Manager, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 160, Riverdale, MD 20737–1231, *Phone:* 301 851–2286.

RIN: 0579–AD58

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DEPARTMENT OF AGRICULTURE (USDA)

Rural Housing Service (RHS)

Final Rule Stage

31. Guaranteed Single-Family Housing

Legal Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480

Abstract: The Guaranteed Single-Family Housing Loan Program is taking the proposed action to implement authorities granted the Secretary of the USDA, in section 102 of the Supplemental Appropriations Act, 2010 (Pub. L. 111–212, July 29, 2010). The intent of the annual fee is to make the SFHGLP subsidy neutral when used in conjunction with the one-time guarantee fee, thus eliminating the need for taxpayer support of the program.

Timetable:

Action	Date	FR Cite
NPRM	10/28/11	76 FR 66860
NPRM Comment Period End.	12/27/11	
Final Action	09/00/13	
Final Action Effective.	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Glover, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW., STOP 0784, Washington, DC 02050–0784, *Phone:* 202 720–1460, *Email: cathy.glover@wdc.usda.gov.*

RIN: 0575–AC18

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Proposed Rule Stage

32. Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010

Legal Authority: Pub. L. 111–296

Abstract: This proposal would implement section 221 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111–296, the Act) which requires USDA to review and update, no less frequently than once every 10 years, requirements for meals served under the Child and Adult Care Food Program (CACFP) to ensure that meals are consistent with the most recent Dietary Guidelines for Americans and relevant nutrition science.

Timetable:

Action	Date	FR Cite
NPRM	09/00/13	
NPRM Comment Period End.	11/00/13	
Next Action Undetermined	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James F. Herbert, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, Alexandria, VA 22302, *Phone:* 703 305–2572, *Email: james.herbert@fns.usda.gov.*

Lynnette M. Williams, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, Alexandria, VA 22302, *Phone:* 703 605–4782, *Email: lynnette.williams@fns.usda.gov.*

RIN: 0584–AE18

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Final Rule Stage

33. National School Lunch and School Breakfast Programs: Nutrition Standards for All Foods Sold in School, as Required by the Healthy, Hunger-Free Kids Act of 2010

Legal Authority: Pub. L. 111–296

Abstract: This rule codifies the two provisions of the Healthy, Hunger-Free Kids Act (Pub. L. 111–296; the Act) under 7 CFR parts 210 and 220. Section 203 requires schools participating in the National School Lunch Program to make available to children free of charge, as nutritionally appropriate, potable water for consumption in the place where meals are served during meal service. Section 208 requires the Secretary to promulgate proposed regulations to establish science-based nutrition standards for all foods sold in schools not later than December 13, 2011. The nutrition standards apply to all food sold outside the school meal programs, on the school campus, and at any time during the school day.

Timetable:

Action	Date	FR Cite
NPRM	02/08/13	78 FR 9530
NPRM Comment Period End.	04/09/13	
Interim Final Rule	06/28/13	78 FR 39067
Interim Final Rule Effective.	08/27/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James F. Herbert, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, Alexandria, VA 22302, *Phone:* 703 305–2572, *Email: james.herbert@fns.usda.gov.*

Lynnette M. Williams, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, Alexandria, VA 22302, *Phone:* 703 605–4782, *Email: lynnette.williams@fns.usda.gov.*

RIN: 0584–AE09

34. Certification of Compliance With Meal Requirements for the National School Lunch Program Under the Healthy, Hunger-Free Kids Act of 2010

Legal Authority: Pub. L. 111–296

Abstract: This rule codifies section 201 of the Healthy, Hunger-Free Kids Act (Pub. L. 111–296) under 7 CFR part 210 directing the Secretary to provide, additional 6 cents per lunch, adjusted annually for changes in the Consumer Price Index, for schools that are certified to be in compliance with the interim/final regulation, ''Nutrition Standards in the National School Lunch and Breakfast Programs,'' (77 FR 4088, January 26, 2012). This rule establishes the compliance standards that State agencies will use to certify schools that are eligible to receive the rate increase.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/27/12	77 FR 25024
Interim Final Rule Effective.	07/01/12	
Interim Final Rule Comment Period End.	07/26/12	
Final Rule	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James F. Herbert, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, Alexandria, VA 22302, *Phone:* 703 305–2572, *Email: james.herbert@fns.usda.gov.*

Lynnette M. Williams, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, Alexandria, VA 22302, *Phone:* 703 605–4782, *Email: lynnette.williams@fns.usda.gov.*

RIN: 0584–AE15

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

35. Performance Standards for the Production of Processed Meat and Poultry Products

Legal Authority: 21 U.S.C. 451 *et seq.;* 21 U.S.C. 601 *et seq.*

Abstract: FSIS is proposing to establish pathogen reduction performance standards for all ready-to-eat (RTE) and partially heat-treated meat and poultry products. The performance standards spell out the objective level of pathogen reduction that establishments must meet during their operations in order to produce safe products, but allow the use of customized, plant-specific processing procedures other than those prescribed in their earlier regulations. With HACCP, food safety performance standards give establishments the incentive and flexibility to adopt innovative, science-based food safety processing procedures and controls, while providing objective, measurable standards that can be verified by Agency inspectional oversight. This set of performance standards will include and be consistent with standards already in place for certain ready-to-eat meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	02/27/01	66 FR 12590
NPRM Comment Period End.	05/29/01	
NPRM Comment Period Extended.	07/03/01	66 FR 35112
NPRM Comment Period Extended End.	09/10/01	
Interim Final Rule	06/06/03	68 FR 34208
Interim Final Rule Effective.	10/06/03	
Interim Final Rule Comment Period End.	01/31/05	
NPRM Comment Period Reopened.	03/24/05	70 FR 15017
NPRM Comment Period Reopened End.	05/09/05	
Affirmation of Interim Final Rule and Supplemental Proposed Rule.	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW., 350–E JWB, Washington, DC 20250, *Phone:* 202 205–0495, *Fax:* 202 720–2025, *Email: rachel.edelstein@fsis.usda.gov.*

RIN: 0583–AC46

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Final Rule Stage

36. Mandatory Inspection of Catfish and Catfish Products

Legal Authority: 21 U.S.C. 601 *et seq.;* Pub. L. 110–249, sec. 11016

Abstract: The Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246, sec. 11016), known as the 2008 Farm Bill, amended the Federal Meat Inspection Act (FMIA) to make catfish an amenable species under the FMIA. Amenable species must be inspected, so this rule will define inspection requirements for catfish. The regulations will define ''catfish'' and the scope of coverage of the regulations to apply to establishments that process farm-raised species of catfish and to catfish and catfish products.

Timetable:

Action	Date	FR Cite
NPRM	02/24/11	76 FR 10433
NPRM Comment Period End.	06/24/11	
Final Action	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW., 350–E JWB, Washington, DC 20250, *Phone:* 202 205–0495, *Fax:* 202 720–2025, *Email: rachel.edelstein@fsis.usda.gov.*

RIN: 0583–AD36

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Proposed Rule Stage

37. National Forest System Invasive Species Management Handbook

Legal Authority: 16 U.S.C. 473 *et seq.;* 16 U.S.C. 528 *et seq.;* 16 U.S.C. 1600 *et seq.*

Abstract: Management activities to address the threats and impacts of invasive species across the National Forest System are guided by a general, broad policy articulated in the proposed Forest Service Manual 2900 (NFS Invasive Species Management). The specific requirements, standards, criteria, rules, and guidelines for Forest Service staff to effectively manage invasive species on NFS lands will be provided in a handbook which will tier to FSM 2900. The proposed handbook will be issued through the Directives system.

Timetable:

Action	Date	FR Cite
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: LaRenda C. King, Assistant Director, Directives and Regulations, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW., Washington, DC 20250–0003, *Phone:* 202 205–6560, *Email: larendacking@fs.fed.us.*

RIN: 0596–AD05

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Final Rule Stage

38. Land Management Planning Rule Policy

Legal Authority: 5 U.S.C. 302; 16 U.S.C. 1604; 16 U.S.C. 1613

Abstract: The Forest Service promulgated a new Land Management Planning rule in April 2012. This rule streamlined the Forest Service's paperwork requirements and expanded the public participation requirements for revising National Forest's Land Management Plans. The proposed directives will update the current directives, which provide Forest Service internal guidance on how to implement the 2012 planning rule. The directives will allow full implementation of the Land Management Planning rule, which will enable the Forest Service to reduce the time to revise expired plans from 4 to 5 years to 2 to 3 years. These directives, once finalized, will enable the National Forests to revise their management plans under the new rule.

Timetable:

Action	Date	FR Cite
Proposed Rule	02/27/13	78 FR 13316
Comment Period End.	04/29/13	
Final Rule	02/00/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: LaRenda C. King, Assistant Director, Directives and Regulations, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW., Washington, DC 20250–0003, *Phone:* 202 205–6560, *Email: larendacking@fs.fed.us.*

RIN: 0596–AD06

DEPARTMENT OF AGRICULTURE (USDA)

Office of Procurement and Property Management (OPPM)

Completed Actions

39. Designation of Biobased Items for Federal Procurement, Round 10

Legal Authority: Public Law 110–246

Abstract: Designates for preferred procurement: Adhesives; aircraft and boat cleaners; automotive care products; body care products-body powders; engine crankcase oil; exterior paints and coatings; facial care products; gasoline fuel additives; hair removal-depilatory products; metal cleaners and corrosion removers; microbial cleaning products; paint removers; paper products; sanitary tissues; water turbine bearing oils; and asphalt roofing materials—low slope.

Completed:

Reason	Date	FR Cite
NPRM	12/05/12	77 FR 72653
Final Rule	06/11/13	78 FR 34867
Final Rule Effective.	06/11/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ron Buckhalt, *Phone:* 202 205–4008, *Fax:* 202 720–8972, *Email: ronb.buckhalt@dm.usda.gov.*

RIN: 0599–AA16

[FR Doc. 2013–17053 Filed 7–22–13; 8:45 am]

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FEDERAL REGISTER

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Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Spring 2013 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the 2012 agenda. The purpose of the agenda is to provide information to the public on regulations that are currently under review, being proposed, or issued by Commerce. The agenda is intended to facilitate comments and views by interested members of the public.

Commerce's spring 2013 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2013, through March 31, 2014.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its spring 2013 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of March 28, 2013, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2013 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities, and a list that identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

In this edition of Commerce's regulatory agenda, a list of the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the issue of the **Federal Register** that includes the Unified Agenda.

In addition, beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, Commerce's entire Regulatory Plan will continue to be printed in the **Federal Register**.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. These operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office, issue the greatest share of Commerce's regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS' programs, an ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries that require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce's spring 2013 regulatory agenda follows.

Cameron F. Kerry,
General Counsel.

INTERNATIONAL TRADE ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
40	Modification of Regulation Regarding the Extension of Time Limits	0625–AA94

INTERNATIONAL TRADE ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
41	Commercial Availability of Fabric and Yarn	0625–AA59
42	Modification of Regulations Regarding the Definition of Factual Information and Time Limits for Submission of Factual Information.	0625–AA91

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
43	Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico	0648–AS65
44	American Lobster Fishery; Fishing Effort Control Measures to Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission.	0648–AT31
45	Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648–AY26
46	Amendment 5 to the Atlantic Herring Fishery Management Plan	0648–AY47
47	Amendment 6 to the Monkfish Fishery Management Plan	0648–BA50
48	Implement the 2010 Shark Conservation Act Provisions and Other Regulations in the Atlantic Smoothhound Shark Fishery.	0648–BB02
49	Amendment 89 to the Gulf of Alaska Groundfish Fishery Management Plan Area Closures for Chionoecetes bairdi Crab Protection in Gulf of Alaska Groundfish Fisheries.	0648–BB76
50	Generic Amendment to Several Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions to Modify Federally-Permitted Seafood Dealer Reporting Requirements.	0648–BC12
51	Amendment 43 to the FMP for BSAI King and Tanner Crabs and Amendment 103 to the FMP for Groundfish of the BSAI.	0648–BC34
52	Amendment 95 to the Fishery Management Plan for Groundfish of the Gulf of Alaska	0648–BC39
53	Framework Action to Set the Annual Catch Limit for Vermilion and Yellowtail Snapper, and Modify the Bag Limit for Vermilion Snapper.	0648–BC51
54	Regulatory Amendment 15 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region **(Section 610 Review)**.	0648–BC60
55	Amendment 28 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–BC63
56	Amendment 3 to the Spiny Dogfish Fishery Management Plan	0648–BC77
57	Amendment 30 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.	0648–BC99
58	Allowing Northeast Multispecies Sector Vessels Access to Year Round Closed Areas	0648–BD09
59	Amendment 2 to the Fishery Management Plan for the Queen Conch Resources of Puerto Rico and the USVI: Compatibility of Trip and Bag Limits in the Management Area of St. Croix, USVI.	0648–BD15
60	Amendment 5b to the Highly Migratory Species Fishery Management Plan	0648–BD22
61	Marine Mammal Protection Act Permit Regulation Revisions	0648–AV82
62	Amendment and Updates to the Bottlenose Dolphin Take Reduction Plan	0648–BB37
63	Designation of Critical Habitat for the Distinct Population Segments of Yelloweye Rockfish, Canary Rockfish, and Bocaccio.	0648–BC76
64	Amending the Atlantic Large Whale Take Reduction Plan	0648–BC90

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
65	Addendum IV to the Weakfish Interstate Management Plan—Bycatch Trip Limit	0648–AY41
66	Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Trawl Rationalization Program; Cost Recovery Program.	0648–BB17
67	Amendment 18B to the Snapper Grouper Fishery Management Plan of the South Atlantic Region	0648–BB58
68	Amendment to the Vessel Ownership Requirements of the Individual Fishing Quota Program for Fixed-Gear Pacific halibut and Sablefish Fisheries in and off of Alaska.	0648–BB78
69	Pacific Coast Groundfish Trawl Rationalization Program Reconsideration of Allocation of Whiting (Raw 2)	0648–BC01
70	Amendment 4 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands: Parrotfish Size Limits.	0648–BC20
71	Amendment 42 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs	0648–BC25
72	Framework Adjustment 48 to the Northeast Multispecies Fishery Management Plan	0648–BC27
73	Georges Bank Yellowtail Flounder Emergency Action to Provide a Partial Exemption from Accountability Measures to the Atlantic Scallop Fishery.	0648–BC33
74	Management Measures for Pacific Bluefin Tuna in the Eastern Pacific Ocean	0648–BC44

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
75	Regulatory Amendment to Implement an Exempted Fishery for the Spiny Dogfish Fishery off Cape Cod, MA.	0648–BC50
76	Amendment 9 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region	0648–BC58
77	Framework Action to Set the 2013 Gag Recreational Fishing Season and Bag Limit and Modify the February–March Shallow-Water Grouper Closed Season.	0648–BC64
78	Pacific Halibut Fisheries; Catch Sharing Plan	0648–BC75
79	2013–2015 Spiny Dogfish Fishery Specifications	0648–BC85
80	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions in Purse Seine Fisheries for 2013 and 2014.	0648–BC87
81	Emergency Rule to Establish Recreational Closure Authority Specific to Federal Waters off Individual States for the Red Snapper Component of the Reef Fish Fishery.	0648–BD00
82	Revision of Hawaiian Monk Seal Critical Habitat	0648–BA81
83	Eliminate the Expiration Date Contained in the Final Rule to Reduce the Threat of Ship Collisions with North Atlantic Right Whales.	0648–BB20
84	Endangered and Threatened Species: Designation of Critical Habitat for Threatened Lower Columbia River Coho Salmon and Puget Sound Steelhead.	0648–BB30
85	Framework Adjustment 24 to the Atlantic Sea Scallop FMP and Framework Adjustment 49 to the Northeast Multispecies FMP.	0648–BC81

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
86	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure.	0648–AV53
87	Marine Mammal Protection Act Stranding Regulation Revisions	0648–AW22
88	Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–BA53

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
89	Amendment 3 to the Spiny Dogfish Fishery Management Plan	0648–AY12
90	Fisheries in the Western Pacific; Pelagic Fisheries; Purse Seine Fishing with Fish Aggregation Devices	0648–AY36
91	Amendment to Recover the Administrative Costs of Processing Permit Applications	0648–AY81
92	Amendment 21 to the Snapper-Grouper Fishery Management Plan of the South Atlantic Region	0648–BA59
93	Amendment 6 to the Golden Crab Fishery Management Plan of the South Atlantic	0648–BA60
94	Atlantic Highly Migratory Species; Vessel Monitoring Systems	0648–BA64
95	Atlantic Highly Migratory Species Electronic Dealer Reporting Requirements	0648–BA75
96	To Establish a Voluntary Fishing Capacity Reduction Program in the Longline Catcher Processor Subsector of the Bering Sea and Aleutian Islands Management Area Non-Pollock Groundfish Fishery.	0648–BB06
97	Framework Adjustment 47 to the Northeast Multispecies Fishery Management Plan	0648–BB62
98	Gulf of Mexico Reef Fish Amendment 34: Commercial Reef Fish Permit Requirements and Crew Size on Dual-Permitted Vessels.	0648–BB72
99	2012 Gulf of Mexico Gray Triggerfish Annual Catch Limits and Annual Catch Targets for the Commercial and Recreational Sectors; and In-Season Accountability Measures for the Recreational Sector.	0648–BB90
100	Amendment 35 to the Reef Fish Fishery Management Plan Addressing Changes to the Greater Amberjack Rebuilding Plan and Adjustments to the Stock Annual Catch Limit in the Gulf of Mexico.	0648–BB97
101	Framework Adjustment 6 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan	0648–BB99
102	Regulatory Amendment 12 to the Fishery Management Plan for the Snapper Grouper Fishery in the South Atlantic.	0648–BC03
103	Framework Adjustment 5 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648–BC08
104	Development of Island-Specific Fishery Management Plans (FMPs) in the Caribbean: Transition from Species-Specific FMPs to Island-Specific FMPs.	0648–BC17
105	Comprehensive Ecosystem Based Amendment 3	0648–BC22
106	Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 17	0648–BC28
107	Amendment 38 to the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico	0648–BC37
108	Amendment 4 to the U.S. Caribbean Coral FMP: Seagrass Management	0648–BC38
109	2013 Atlantic Mackerel, Squid, and Butterfish Fishery Specifications and Management Measures	0648–BC40
110	Generic Amendment 4 to Fishery Management Plans in the Gulf of Mexico: Fixed Petroleum Platforms and Artificial Reefs as Essential Fish Habitat.	0648–BC47
111	Interim Final Rule for 2012 Butterfish Specifications	0648–BC57
112	Emergency Rule for a Temporary Action to Adjust the Commercial ACL for Yellowtail Snapper in the South Atlantic Snapper-Grouper Fishery.	0648–BC59
113	Emergency Rule to set the 2012 Annual Catch Limit for the Gulf of Mexico Vermilion Snapper Stock	0648–BC65
114	Reduce Sea Turtle Bycatch in Atlantic Trawl Fisheries	0648–AY61

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
115	False Killer Whale Take Reduction Plan	0648–BA30
116	Mandatory Use of Turtle Excluder Devices (TEDs) in Skimmer Trawls, Pusher-Head Trawls, and Wing Nets (Butterfly Trawls).	0648–BC10

PATENT AND TRADEMARK OFFICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
117	Setting and Adjusting Patent Fees	0651–AC54

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Final Rule Stage

40. • Modification of Regulation Regarding the Extension of Time Limits

Legal Authority: 5 U.S.C. 301; 19 U.S.C. 1202 note; 19 U.S.C. 1303 note; 19 U.S.C. *et seq.;* 19 U.S.C. 3538

Abstract: Requesting comment on a proposed modification to 19 CFR 351.302, which concerns the extension of time limits for submissions in antidumping and countervailing duty proceedings.

Timetable:

Action	Date	FR Cite
Proposed Rule	01/16/13	78 FR 3367
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Vannatta, Policy Analyst, Department of Commerce, International Trade Administration, 1401 Constitution Ave. NW., Washington, DC 20230, *Phone:* 202 482–4036, *Email: charles.vannatta@trade.gov.*

RIN: 0625–AA94

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Completed Actions

41. Commercial Availability of Fabric and Yarn

Legal Authority: EO 13191; Pub. L. 106–200, sec 112(b)(5)(B); Pub. L. 106–200, sec 211; Pub. L. 107–210, sec 3103

Abstract: This rule implements certain provisions of the Trade and Development Act of 2000 (the Act). Title I of the Act (the African Growth and Opportunity Act or AGOA), title II of the Act (the United States–Caribbean Basin Trade Partnership Act or CBTPA), and title XXXI of the Trade Act of 2002 (the Andean Trade Promotion and Drug Eradication Act or ATPDEA) provide for quota- and duty-free treatment for qualifying apparel products from designated beneficiary countries. AGOA and CBTPA authorize quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more designated beneficiary countries from yarn or fabric that is not formed in the United States or a beneficiary country, provided it has been determined that such yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner. The President has delegated to the Committee for the Implementation of Textile Agreements (the Committee), which is chaired by the Department of Commerce, the authority to determine whether yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA, the ATPDEA, and the CBTPA, and has authorized the Committee to extend quota- and duty-free treatment to apparel of such yarn or fabric. The rule provides the procedure for interested parties to submit a request alleging that a yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner, the procedure for public comments, and relevant factors that will be considered in the Committee's determination. The rule also outlines the factors to be considered by the Committee in extending quota- and duty-free treatment.

Timetable:

Action	Date	FR Cite
Withdrawn	04/17/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Heinzen, International Trade Specialist, Department of Commerce, International Trade Administration, Office of Textiles and Apparel, 1401 Constitution Avenue NW., Washington, DC 20230, *Phone:* 202 482–4006, *Email: janet_heinzen@ita.doc.gov.*

RIN: 0625–AA59

42. Modification of Regulations Regarding the Definition of Factual Information and Time Limits for Submission of Factual Information

Legal Authority: 19 U.S.C. 1202 note; 19 U.S.C. 1303 note; 19 U.S.C. 1671 *et seq.;* 19 U.S.C. 3538; 5 U.S.C. 301

Abstract: This rule will modify the definition of factual information for the purposes of antidumping and countervailing duty proceedings, and it will also modify the time limits for submission of factual information in such proceedings.

Timetable:

Action	Date	FR Cite
NPRM	07/10/12	77 FR 40534
NPRM Comment Period Extended.	08/23/12	77 FR 50963
Final Action	04/10/13	78 FR 21246

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Vannatta, Policy Analyst, Department of Commerce, International Trade Administration, 1401 Constitution Ave. NW., Washington, DC 20230, *Phone:* 202 482–4036, *Email: charles.vannatta@trade.gov.*

RIN: 0625–AA91

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

43. Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The purpose of this fishery management plan is to develop a regional permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf of Mexico exclusive economic zone. This fishery management plan consists of ten actions, each with an associated range of management alternatives, which would facilitate the permitting of an estimated 5 to 20 offshore aquaculture operations in the Gulf of Mexico over the next 10 years, with an estimated annual production of up to 64 million pounds. By establishing a regional permitting process for aquaculture, the Gulf of Mexico Fishery Management Council will be positioned to achieve their primary goal of increasing maximum sustainable yield and optimum yield of federal fisheries in the Gulf of Mexico by supplementing harvest of wild caught species with cultured product. This rulemaking would outline a regulatory permitting process for aquaculture in the Gulf of Mexico, including: (1) Required permits; (2) duration of permits; (3) species allowed; (4) designation of sites for aquaculture; (5) reporting requirements; and (6) regulations to aid in enforcement.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/04/09	74 FR 26829
NOA comment period end.	08/03/09	
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–AS65

44. American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission

Legal Authority: 16 U.S.C. 5101 *et seq.*

Abstract: The action would limit future access in the Lobster Conservation Management Area (Area) 2 and Outer Cape Area lobster trap fishery based on historic participation criteria, and implement a transferable trap program in Area 2, Area 3, and the Outer Cape Area as recommended by the Atlantic States Marine Fisheries Commission. NMFS proposes to use the same historic participation data and qualification criteria used by state agencies to qualify state lobstermen fishing in the State waters of the subject management areas.

Timetable:

Action	Date	FR Cite
ANPRM	05/10/05	70 FR 24495
ANPRM Comment Period End.	06/09/05	
Notice of Public Meeting.	05/03/10	75 FR 23245
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–AT31

45. Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The purpose of Amendment 14 is primarily to minimize river herring and shad bycatch in the Atlantic mackerel fishery and implement an effective program for monitoring river herring and shad bycatch in the Mackerel, Squid and Butterfish fisheries. This action proposes measures to expand reporting requirements for permit holders; increase at-sea observer coverage; and establish a mortality cap on river herring and shad in the mackerel fishery. This action is being taken because there is concern about the status of river herring and shad stocks throughout their range, and a push to reduce all sources of stock mortality, including fishing mortality.

Timetable:

Action	Date	FR Cite
Notice of Intent	06/09/10	75 FR 32745
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–AY26

46. Amendment 5 to the Atlantic Herring Fishery Management Plan

Legal Authority: 16 U.S.C. 1801

Abstract: The purpose of Amendment 5 is to minimize bycatch in the Atlantic herring fishery and improve the collection of real time catch data. Amendment 5 would increase observer coverage, improve at-sea sampling, include measures to reduce net slippage, and include measures to address bycatch. This action is being taken to more accurately characterize Atlantic herring landings, minimize and monitor bycatch of river herring in the Atlantic herring fishery, and to improve monitoring of Atlantic herring fishing activity in groundfish closed areas.

Timetable:

Action	Date	FR Cite
Supplemental Notice of Intent.	12/28/09	74 FR 68576
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–AY47

47. Amendment 6 to the Monkfish Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The purpose of Amendment 6 to the Monkfish FMP is to consider developing a catch share management program for this fishery. This would very likely also involve the development of a referendum for such a program, as required under the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an EIS.	11/30/10	75 FR 74005
NPRM	01/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BA50

48. Implement the 2010 Shark Conservation Act Provisions and Other Regulations in the Atlantic Smoothhound Shark Fishery

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This proposed rule considers implementing the provisions of the 2010 Shark Conservation Act and other regulations in the Atlantic Smoothhound Fishery (which includes smooth dogfish and the Florida smoothhound). Specifically, this action would: (1) Modify regulations for smooth dogfish as needed to be consistent with the Shark Conservation Act; (2) consider other management measures, as needed, including the Terms and Conditions of the Endangered Species Act Smoothhound Biological Opinion; and, (3) consider revising the current smoothhound shark quota based on updated catch data.

Timetable:

Action	Date	FR Cite
NPRM	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East–West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BB02

49. Amendment 89 to the Gulf of Alaska Groundfish Fishery Management Plan Area Closures For Chionoecetes Bairdi Crab Protection in Gulf of Alaska Groundfish Fisheries

Legal Authority: 16 U.S.C. 1540 ; 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* 16 U.S.C. 773 *et seq.;* Pub. L. 105–277 ; Pub. L. 106–31

Abstract: This action would close a portion of Marmot Bay, northeast of Kodiak Island, to the use of pot and trawl gear (with the exception of pelagic gear used to target pollock) in groundfish fisheries year-round and require additional observer coverage (100 percent for trawl vessels and 30 percent for pot vessels) in two areas east of Kodiak Island—the Chiniak Gully and State of Alaska Statistical Area 525702. These additional observer coverage requirements are expected to be rescinded with the implementation of the restructured Observer Program.This action is necessary to protect stocks of Tanner crab near Kodiak Islands from the effects of using non-pelagic trawl and pot gear used to target groundfish in Marmot Bay and to provide improved estimates of the incidental catch of Tanner crab in two areas east of Kodiak Island by vessels using non-pelagic trawl and pot gear and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska. The intended effect of this action is to conserve and manage the fishery resources in the Gulf of Alaska.

Timetable:

Action	Date	FR Cite
Proposed Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*

RIN: 0648–BB76

50. Generic Amendment to Several Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions To Modify Federally-Permitted Seafood Dealer Reporting Requirements

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: To better ensure commercial landings of managed fish stocks do not exceed annual catch limits, improvements are needed to the accuracy, completeness, consistency, and timeliness of data submitted by federally-permitted seafood dealers. The purpose of the generic amendment is to change the current reporting requirements for those dealers who purchase fish managed under several of the Gulf of Mexico and South Atlantic Fishery Management Council fishery management plans. Changes are proposed to the current six dealer permits to increase the species that must be reported. Changes are also proposed to the method and frequency of dealer reporting. This action will aid in achieving the optimum yield from each fishery while reducing (1) undue socioeconomic harm to dealers and fishermen and (2) administrative burdens to fishery agencies.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC12

51. Amendment 43 to the FMP for BSAI King and Tanner Crabs and Amendment 103 to the FMP for Groundfish of the BSAI

Legal Authority: 16 U.S.C. 1801

Abstract: This proposed rule would implement both Amendment 43 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs and Amendment 103 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. Amendment 43 revises the current rebuilding plan for Pribilof Islands blue king crab (blue king crab) and Amendment 103 implements groundfish fishing restrictions. A no-trawl Pribilof Islands Habitat Conservation Zone (Zone) was established in 1995 and the directed fishery for blue king crab has been closed since 1999. A rebuilding plan was implemented in 2003; however, blue king crab remains overfished and the current rebuilding plan has not achieved adequate progress towards rebuilding the stock by 2014. The proposed rule would close the Zone to all Pacific cod pot fishing in addition to the current trawl prohibition. This measure would help support blue king crab rebuilding and prevent exceeding the overfishing limit of blue king crab by minimizing to the extent practical blue king crab bycatch in the groundfish fisheries.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BC34

52. Amendment 95 to the Fishery Management Plan for Groundfish of the Gulf Of Alaska

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action implements Amendment 95 to the Fishery Management Plan for Groundfish of the Gulf of Alaska. This action modifies halibut prohibited species catch management in the Gulf of Alaska to (1) establish the Gulf of Alaska halibut prohibited species catch limits in federal regulation; (2) reduce the Gulf of Alaska halibut prohibited species catch limits for the trawl, hook and line catcher/processor and catcher vessel sectors, and the hook and line demersal shelf rockfish fishery in the Southeast Outside District; and (3) allow two additional options for vessels to better maintain groundfish harvest while achieving the halibut prohibited species catch reduction of this action.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BC39

53. Framework Action To Set the Annual Catch Limit for Vermilion and Yellowtail Snapper, and Modify the Bag Limit for Vermilion Snapper

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The current vermilion snapper annual catch limit (ACL) is 3.42 million pounds (mp). A 2011 stock assessment indicates vermilion snapper are not overfished or undergoing overfishing. Based on the assessment, the Gulf of Mexico Fishery Management Councils (Council) Scientific and Statistical Committee (SSC) has recommended an acceptable biological catch level much higher than the current ACL (≤1 mp). This framework action evaluates different options for setting the ACL and (optionally) an annual catch target consistent with the SSCs recommendation while minimizing the risk of overfishing. The Council has requested a subsequent emergency rule that will increase the 2012 ACL to avoid a closure of the vermilion snapper component of the Gulf of Mexico reef fish fishery.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC51

54. Regulatory Amendment 15 to the Fishery Management Plan for the Snapper–Grouper Fishery of the South Atlantic Region (Section 610 Review)

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The regulatory amendment contains the following actions: Yellowtail Snapper A new stock assessment for yellowtail snapper suggests the yellowtail snapper annual catch limit (ACL) can be increased. Based on this information, the Council is considering changes to the January 1 commercial fishing year start date and the establishment of a commercial spawning season closure. The purposes of the actions are to benefit fishermen and fishing communities that utilize the yellowtail snapper portion of the snapper-grouper fishery by increasing the probability of a year-round fishery and minimizing the probability of closures during peak harvest times. The spawning season closure would protect fish during spawning periods. In 2009, the Council established an accountability measure (AM) for the commercial sector that closes the commercial fishery for gag and all other South Atlantic shallow water grouper (SASWG) for the remainder of the fishing year when the gag ACL is met. SASWG includes gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, and coney. The Council is considering changing the AM so that only gag is commercially prohibited when the gag commercial ACL is met. The purpose of the action is to reduce adverse socioeconomic effects to fishermen and fishing communities that utilize the shallow water grouper portion of the snapper-grouper fishery. Since 2009, the Council and NOAA Fisheries have implemented regulations that most likely reduced the discards of gag, including the establishment of ACLs and AMs for species that commonly occur with gag.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC60

55. Amendment 28 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: A limited red snapper fishing season was established in 2012 through an emergency action under the Magnuson-Stevens Fishery Conservation and Management Act. The South Atlantic Fishery Management Council (Council) determined that some directed harvest could be allowed without compromising the rebuilding of the red snapper stock to target levels, and they saw the limited harvest as an opportunity to collect additional data on red snapper. Through Amendment 28, the Council intends to establish a process that would allow this type of limited harvest for red snapper in 2013 and in the future, depending on the projected mortalities (landings and discards) for the current fishing year and the amount of harvest from the previous year. The proposed actions would benefit fishermen and fishing communities that utilize the red snapper portion of the snapper grouper fishery.

Timetable:

Action	Date	FR Cite
Notice	03/12/13	78 FR 15672
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue

South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC63

56. • Amendment 3 to the Spiny Dogfish Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The action would make four modifications to the management measures in the Spiny Dogfish Fishery Management Plan. These include allowing up to 3% of the annual quota to be set aside for research purposes (research set-aside), updating the essential fish habitat definitions for spiny dogfish, allowing the previous year's management measures to be carried over into the subsequent year in the case of rulemaking delays, and removing the seasonal allocation of the commercial quota. The action is needed to improve the efficiency of the Spiny Dogfish Fishery Management Plan, and help reduce misalignment of regulations with the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for spiny dogfish.

Timetable:

Action	Date	FR Cite
NPRM	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BC77

57. • Amendment 30 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Amendment 30 would require commercial vessels harvesting snapper-grouper species in the South Atlantic to have onboard an operating vessel monitoring system (VMS) approved by the National Marine Fisheries Service (NMFS). There is a need within the snapper-grouper fishery to improve enforceability of area fishing restrictions. The fishery management plan contains several area-specific regulations where snapper-grouper fishing is restricted or prohibited to protect habitat, fish populations, and spawning aggregations. Unlike management measures such as size, bag, and trip limits, where the catch can be monitored onshore when a vessel returns to port, area restrictions require at-sea enforcement to be effective. However, at-sea enforcement of offshore area restrictions is difficult because of the distance from shore and limited number of available patrol vessels. An operating VMS would allow NMFS law enforcement personnel and their enforcement partners to monitor compliance with area-specific regulations and prosecute violations. A VMS requirement would also allow for increased accurate tracking and monitoring of locations where snapper-grouper vessels land fish.

Timetable:

Action	Date	FR Cite
NPRM	08/00/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC99

58. • Allowing Northeast Multispecies Sector Vessels Access to Year Round Closed Areas

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action, if approved, would allow Northeast Multispecies vessels enrolled in a sector to fish in any of three year-round closed areas on Georges Bank during select times of the 2013 fishing year. The three areas under consideration include portions of the Nantucket Lightship Closed Area I, Closed Area I, and Closed Area II. All gear types would be permitted to fish in the Nantucket Lightship Closed Area year-round. Trawl vessels fishing with selective gear and vessels using hooks would be permitted to fish in Closed Areas I and II for portion of the fishing year. This action is being proposed to increase access to underharvest groundfish stocks while reducing potential impacts on groundfish stocks that are considered overfished or subject to overfishing.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD09

59. • Amendment 2 to the Fishery Management Plan for the Queen Conch Resources of Puerto Rico and the USVI: Compatibility of Trip and Bag Limits in the Management Area of St. Croix, USVI

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This regulatory amendment addresses the current incompatibility between certain federal and USVI regulations related to the harvest of queen conch. Fishing and possessing queen conch in the exclusive economic zone is only allowed in the area of Lang Bank, to the east of St. Croix, USVI. However, current regulations regarding commercial trip limits and recreational bag limits for the harvest of queen conch in federal waters are not compatible with USVI regulations. The USVI has expressed interest in having federal regulations modified to make them compatible with the territorial limits to facilitate enforcement efforts, enhance compliance by fishers, and allow for more efficient management of queen conch resources in the U.S. Caribbean. In this regulatory amendment, the Caribbean Fishery Management Council chose to modify the commercial trip limit but leave the recreational bag limit unchanged. Thus, the rule would change the commercial trip limit from 150 queen conch per licensed commercial fisher per day to 200 queen conch per vessel per day regardless of the number of licensed commercial fishers onboard.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD15

60. • Amendment 5B to the Highly Migratory Species Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rulemaking would propose management measures for

dusky sharks based on a recent stock assessment, taking into consideration comments received on the proposed rule and Draft Amendment 5 to the 2006 Consolidated HMS FMP (November 26, 2012, 77 FR 70522). This rulemaking could consider a range of commercial and recreational management measures in both directed and incidental shark fisheries including, among other things, gear modifications, time/area closures, permitting, shark identification requirements, and reporting requirements. NOAA Fisheries determined dusky sharks are still overfished and still experiencing overfishing (October 7, 2011, 76 FR 62331) and originally proposed management measures to end overfishing and rebuild dusky sharks in a proposed rule for Draft Amendment 5 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. That proposed rule also contained management measures for scalloped hammerhead, sandbar, blacknose and Gulf of Mexico blacktip sharks. During the comment period, NOAA Fisheries received numerous comments on the proposed dusky shark measures regarding the data sources, and the analyses of these data, and comments requesting consideration of approaches to dusky shark fishery management that were significantly different from those analyzed in the proposed rule. NOAA Fisheries therefore decided to move forward with Draft Amendment 5's management measures for scalloped hammerhead, sandbar, blacknose and Gulf of Mexico blacktip sharks in a final rule and final amendment that will now be referred to as ''Amendment 5a'' to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. Dusky shark management measures will be addressed in this separate, but related, action and will be referred to as ''Amendment 5b.''

Timetable:

Action	Date	FR Cite
NPRM	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BD22

61. Marine Mammal Protection Act Permit Regulation Revisions

Legal Authority: 16 U.S.C. 1374

Abstract: This action would consider revisions to the implementing regulations governing the issuance of permits for activities under Section 104 of the Marine Mammal Protection Act. The intent of this action would be to streamline and update (using plain language) the general permitting information and the specific requirements for the four categories of permits: Scientific research (including the General Authorization); enhancement; educational and commercial photography; and public display. The revisions would also simplify procedures for collection, possession, and transfer of marine mammals parts collected before the effective date of the Marine Mammal Protection Act, and also clarify reporting requirements for public display facilities holding marine mammals.

Timetable:

Action	Date	FR Cite
ANPRM	09/13/07	72 FR 52339
ANPRM Comment Period Extended.	10/15/07	72 FR 58279
ANPRM Comment Period End.	11/13/07	72 FR 52339
ANPRM Comment Period End.	12/13/07	72 FR 58279
NPRM	04/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Marine Sanctuaries Division, 1305 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email: helen.golde@noaa.gov.*

RIN: 0648–AV82

62. Amendment and Updates to the Bottlenose Dolphin Take Reduction Plan

Legal Authority: 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 1531 *et seq.*

Abstract: NMFS proposes a rule to amend regulations under the Bottlenose Dolphin Take Reduction Plan (Plan). The regulations are to reduce bottlenose dolphin serious injuries and mortalities incidental to the Virginia Pound net fishery. The Plan recommended the year-round use of modified leaders for offshore pound nets within parts of the Chesapeake Bay and Virginia coastal waters. Regulations for Virginia Pound Nets are currently implemented under the Endangered Species Act for sea turtle conservation. The Plan recommended similar regulations to those currently enacted under the Endangered Species Act; however, the proposed regulations under the Plan will offer greater conservation benefits to both bottlenose dolphins and sea turtles. Because the proposed regulations may affect current sea turtle regulations, a joint-rulemaking will be conducted under both the Marine Mammal Protection Act and Endangered Species Act to amend: (1) The Plan under the Marine Mammal Protection Act, proposing Virginia pound net requirements; and (2) current federal sea turtle regulations for Virginia pound nets under the Endangered Species Act to ensure consistency between regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Marine Sanctuaries Division, 1305 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email: helen.golde@noaa.gov.*

RIN: 0648–BB37

63. • Designation of Critical Habitat for the Distinct Population Segments of Yelloweye Rockfish, Canary Rockfish, and Bocaccio

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: This action proposes to designate critical habitat under the Endangered Species Act for three Distinct Population Segments of rockfish in the Puget Sound/Georgia Basin: (1) The threatened Distinct Population Segments of yelloweye rockfish; (2) the threatened Distinct Population Segments of canary rockfish; and (3) the endangered Distinct Population Segments of bocaccio. The proposed specific areas for canary rockfish and bocaccio comprise approximately 505 hectares (1,249 acres) of marine habitat in Puget Sound. The proposed areas for yelloweye rockfish comprise approximately of 245 hectares (606 acres) of marine habitat in Puget Sound.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Marine Sanctuaries Division, 1305 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email: helen.golde@noaa.gov.*

RIN: 0648–BC76

64. • Amending the Atlantic Large Whale Take Reduction Plan

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: NMFS is proposes to amend the Atlantic Large Whale Take Reduction Plan. These changes are designed to address ongoing right, humpback, and fin whale entanglements resulting in serious injury or mortality. In 2009, the Atlantic Large Whale Take Reduction Team (Team) agreed on a schedule to develop conservation measures for reducing the risk of serious injury and mortality of large whales that become entangled in vertical lines. In an August 2012 American Lobster Biological Opinion, NMFS committed to publishing a proposed rule to address vertical line entanglements in 2013 and to publish a final rule by April 2014. Unlike the broad-scale management approach taken to address entanglement risks associated with groundlines (rope between trap/pots), the approach for the vertical line rulemaking will focus on reducing the risk of vertical line entanglements in finer-scale high impact areas. Using fishing gear characterization data and whale sightings per unit effort data, NMFS developed a model to determine the co-occurrence of fishing gear density and whale density to serve as a guide in the identification of these high risk areas. Potential measures include: Expanding the gear marking scheme to require larger and more frequent marks along the buoy line; increasing the number of traps per trawl based on area fished and miles fished from shore in the northeast; establishing several closures in the northeast for trap/pot fisheries; modifying weak link and breaking strength requirements of buoy lines; and requiring the use of one buoy line with one trap in the southeast.

Timetable:

Action	Date	FR Cite
NPRM	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Marine Sanctuaries Division, 1305 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400. *Email: helen.golde@noaa.gov.*

RIN: 0648–BC90

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

NATIONAL MARINE FISHERIES SERVICE

65. Addendum IV to the Weakfish Interstate Management Plan—Bycatch Trip Limit

Legal Authority: 16 U.S.C. 5101

Abstract: This action would modify management restrictions in the Federal weakfish fishery in a manner consistent with the Atlantic States Marine Fisheries Commission Interstate Plan. The proposed change would decrease the incidental catch allowance for weakfish in the exclusive economic zone in non-directed fisheries using smaller mesh sizes, from 150 pounds to no more than 100 pounds per day or trip, whichever is longer in duration. In addition, it would impose a one fish possession limit on recreational fishers.

Timetable:

Action	Date	FR Cite
NPRM	05/12/10	75 FR 26703
NPRM Comment Period End.	06/11/10	
NPRM Comment Period Re-opened.	06/16/10	75 FR 34092
Comment Period End.	06/30/10	
Final Action	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–AY41

66. Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Trawl Rationalization Program; Cost Recovery Program

Legal Authority: 16 U.S.C. 1853

Abstract: This action would implement cost recovery for the Pacific Coast Groundfish Trawl Rationalization Program. Following final action on Amendment 20 to the Pacific Coast Groundfish Fishery Management Plan by the Pacific Fishery Management Council, NMFS implemented the trawl rationalization program on January 11, 2011. In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary of Commerce is required to collect a fee to recover the actual costs directly related to the management, data collection, and enforcement of any limited access privilege program (LAPP), which includes the trawl rationalization program. The fee will not exceed 3% of the ex-vessel value of the fish harvested under the LAPP.

Timetable:

Action	Date	FR Cite
NPRM	02/01/13	78 FR 7371
Final Action	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Building 1, 7600 Sand Point Way NE., Seattle, WA 48115–0070, *Phone:* 206 526–6150, *Fax:* 206 526–6426, *Email: barry.thom@noaa.gov.*

RIN: 0648–BB17

67. Amendment 18B to the Snapper Grouper Fishery Management Plan of the South Atlantic Region

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The South Atlantic Council intends to limit participation in the golden tilefish component of the snapper-grouper fishery. This amendment proposes to establish a longline endorsement program for golden tilefish, establish golden tilefish allocations for the hook and line and longline sectors, and modify golden tilefish trip limits.

Timetable:

Action	Date	FR Cite
Notice	10/26/12	77 FR 65356
NPRM	12/19/12	77 FR 75093
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BB58

68. Amendment to the Vessel Ownership Requirements of the Individual Fishing Quota Program for Fixed-Gear Pacific Halibut and Sablefish Fisheries in and Off of Alaska

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* 16 U.S.C. 773 *et seq.;* Pub. L. 108–447

Abstract: This action proposes a regulatory amendment to the vessel ownership requirements of the Individual Fishing Quota Program for fixed-gear Pacific halibut and sablefish fisheries in and off of Alaska. This action proposes to require initial recipients of certain classes of quota share to have held a minimum of 20 percent ownership interest in the vessel for at least 12 consecutive months prior to the submission of an application to hire a master for the purposes of fishing an Individual Fishing Quota permit. This proposed action also would temporarily exempt from the 12-month ownership requirement an initial recipient whose vessel has been totally lost, as by sinking or fire, or so damaged that the vessel would require at least 60 days of shipyard time to be repaired. This action is necessary to maintain a predominantly owner-operated fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/31/12	77 FR 65843
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BB78

69. Pacific Coast Groundfish Trawl Rationalization Program Reconsideration of Allocation of Whiting (RAW 2)

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: On February 21, 2012, Judge Henderson issued the remedy order in Pacific Dawn, LLC v. Bryson, No. C10–4829 TEH (N.D. Cal.). The Order remands the regulations addressing the initial allocation of whiting for the shorebased individual fishing quota (IFQ) fishery and the at-sea mothership fishery of the Pacific Coast Groundfish Trawl Rationalization Program (program) for further consideration consistent with the courts December 22, 2011 summary judgment ruling, the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and all other governing law. Further, the Order requires that the National Marine Fisheries Service (NMFS) implement revised regulations before the 2013 Pacific whiting fishing season begins on April 1, 2013. This action implements revised regulations, as appropriate, including a reallocation of whiting and potentially some related species. This action may include a Paperwork Reduction Act package to clear application forms, and any other necessary documentation.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/12	77 FR 20337
Proposed Rule	01/02/13	78 FR 72
Final Rule	03/28/13	78 FR 18879
Final Action	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Frank Lockhart, Program Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115, *Phone:* 206 526–6142, *Fax:* 206 526–6736, *Email: frank.lockhart@noaa.gov.*

RIN: 0648–BC01

70. Amendment 4 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands: Parrotfish Size Limits.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The purpose of the plan amendment is to implement size limits for parrotfish harvest in the U.S. Caribbean exclusive economic zone. Size limits are intended to allow juvenile parrotfish to mature into reproductively active females, and to have a chance to spawn prior to harvest. Reproductively active females are a necessary component of a healthy, sustainable population.

Timetable:

Action	Date	FR Cite
NPRM	03/11/13	78 FR 15338
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC20

71. Amendment 42 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs

Legal Authority: 16 U.S.C. 1801 *et seq.;* Pub. L. 109–241; Pub. L. 109–479

Abstract: NMFS proposes regulations to implement Amendment 42 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP). Amendment 42 revises the annual economic data reports currently required from catcher vessels, catcher/processors, shoreside processors, and stationary floating crab processors participating in the Bering Sea and Aleutian Islands Crab Rationalization Program. The economic data reports include cost, revenue, ownership, and employment data in order to study the economic impacts of the Crab Rationalization Program on harvesters, processors, and affected communities. Amendment 42 will eliminate redundant reporting requirements, standardize reporting across respondents, and reduce costs associated with the data collection.

Timetable:

Action	Date	FR Cite
Notice	03/12/13	78 FR 15677
NPRM	03/21/13	78 FR 17341
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BC25

72. Framework Adjustment 48 to the Northeast Multispecies Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The proposed action would implement Framework Adjustment 48 to the Northeast Multispecies Fishery Management Plan. Framework 48 would set specifications for groundfish stocks for fishing years 2013 through 2015. This action would also adopt the total allowable catches for the U.S./Canada Management Area consistent with the U.S./Canada Resource Understanding. The Georges Bank yellowtail flounder quota is expected to be substantially reduced through this action, potentially limiting fishing for more valuable species and resulting in economic losses for the groundfish and scallop industries. Quotas for Gulf of Maine and

Georges Bank cod are also expected to also be substantially reduced. This action also includes measures to allow fishing in areas that have been previously closed. This action is necessary to end overfishing and continue rebuilding of certain groundfish stocks and improve the profitability of the groundfish fishery.

Timetable:

Action	Date	FR Cite
Notice of Intent	06/21/12	77 FR 37387
NPRM	03/25/13	78 FR 18187
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email:* *john.bullard@noaa.gov.*

RIN: 0648–BC27

73. Georges Bank Yellowtail Flounder Emergency Action to Provide a Partial Exemption From Accountability Measures to the Atlantic Scallop Fishery

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This proposed action, requested by the New England Fishery Management Council, would exempt the Atlantic sea scallop fishery from any accountability measure for catch of Georges Bank yellowtail flounder exceeding the revised sub-annual catch limit of 156.9 mt up to the initial sub-annual catch limit level of 307.5 mt. By exempting the scallop fleet from accountability measures at the lower revised 156.9 mt sub-ACL, but maintaining accountability at the 307.5 mt level initially set for the fishing year, there remains a need for the scallop fleet to mitigate yellowtail flounder catch but to do so within the context of the initial level established for the fishing year. This specific accountability measure is not needed to comply with Magnuson Stevens Fishery Conservation and Management Act requirements because there is an accountability measure at the fishery level that remains unchanged by this proposed action. Any overage of the fishery level ACL is repaid pound-for-pound in a subsequent fishing year.

Timetable:

Action	Date	FR Cite
NPRM	10/01/12	77 FR 59883
NPRM Comment Period End	10/31/12	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email:* *john.bullard@noaa.gov.*

RIN: 0648–BC33

74. Management Measures for Pacific Bluefin Tuna in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 951–961 *et seq.*

Abstract: This rule would restrict U.S. commercial fishing in the eastern Pacific Ocean for 2012 and 2013 by preventing further commercial retention of bluefin tuna after (1) the commercial catch of bluefin tuna by the international fleet reaches 10,000 metric tons; (2) the commercial catch of bluefin tuna by the international fleet reaches 5,600 metric tons during the year 2012. Notwithstanding these restrictions, the United States commercial fishery may catch up to 500 metric tons of pacific bluefin tuna in 2012 and 2013. This regulation would be issued under the authority of the Tuna Conventions Act, as amended to implement recommendations of the Inter-American Tropical Tuna Commission (IATTC). At the annual IATTC meeting in June 2012, the IATTC adopted Resolution C–12–09, Conservation and Management Measure for Bluefin Tuna in the Eastern Pacific Ocean. This rulemaking would ensure that the United States is satisfying its obligations as a party to the IATTC Convention. It is not anticipated that as a result of implementing Resolution C–12–09 that there would be any economic effect, or very limited economic effect. No commercial vessels specialize in harvesting Pacific Bluefin. Pacific Bluefin is caught commercially by small coastal purse seine vessels operating in the Southern California Bight with limited additional landings by the drift gillnet fleet that targets swordfish. The Pacific bluefin commercial catch limitations are not expected to result in a closure of the United States fishery because catches from recent years have not reached the 500 metric ton limit. The last time the United States exceeded 500 metric tons was in 1998.

Timetable:

Action	Date	FR Cite
NPRM	12/12/12	77 FR 73969
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802, *Phone:* 562 980–4040, *Fax:* 562 980–4047, *Email:* *mark.helvey@noaa.gov.*

RIN: 0648–BC44

75. Regulatory Amendment to Implement an Exempted Fishery for the Spiny Dogfish Fishery Off Cape Cod, MA

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action establishes an exempted fishery because it has been determined that the directed fishery for spiny dogfish does not catch more than a small amount of groundfish. Implementing this action would allow vessels to target spiny dogfish without having to their declared days-at-sea or sector groundfish trips affected. This action would exempt the groundfish sectors from having a groundfish discard rate applied to these trips, which means the sectors would not use their groundfish allocations as fast. Specifically, this rule would create an exempted fishery for vessels using gillnet and longline gear from June through December and handline gear from June through August in an area off Cape Cod, MA where less than five percent of their catch is groundfish.

Timetable:

Action	Date	FR Cite
NPRM	10/19/12	77 FR 64305
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email:* *john.bullard@noaa.gov.*

RIN: 0648–BC50

76. Amendment 9 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP) includes a process for a state to request a concurrent closure to the harvest of penaeid shrimp in adjacent federal waters during a cold weather event. The

South Atlantic Fishery Management Council (Council) is concerned the current process is administratively burdensome and may unintentionally hinder protections for the overwintering shrimp stock affected by the cold weather and protected by the closure. Amendment 9 would modify the criteria and process used for South Atlantic states to request concurrent closure of federal waters to penaeid shrimp fishing to protect overwintering shrimp stocks. The amendment would add a temperature threshold that could be used as triggering criterion for states to request a concurrent closure of federal waters, in lieu of, or in addition to, the current abundance criterion. Additionally, Shrimp Amendment 9 would streamline the administrative process by allowing states to request a concurrent closure which would eliminate the Council review of requests.

Timetable:

Action	Date	FR Cite
Notice	03/14/13	78 FR 14069
NPRM	03/20/13	78 FR 17178
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC58

77. Framework Action to Set the 2013 Gag Recreational Fishing Season and Bag Limit and Modify the February–March Shallow-Water Grouper Closed Season

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Gulf of Mexico gag is overfished and the stock currently in a rebuilding plan. The rebuilding plan is scheduled to increase the recreational annual catch target from 1.031 to 1.287 million pounds (mp) in 2013. The current recreational gag season is July 1 to October 31 and was designed to limit the harvest to the 2012 recreational annual catch target while providing the longest possible recreational season. This framework action proposes to establish a 2013 gag recreational fishing season consistent with the increased 1.287 mp annual catch target that modifies the season opening to provide greater socioeconomic benefits to the recreational community. Moving the season to a time when there is greater fishing effort will reduce the number of days available to fish. To counteract this, this framework action also considers a one-gag rather than two-gag bag limit. The current recreational shallow-water grouper closed season of February 1 through March 31 was developed partly to protect gag spawning aggregations. However, because a separate recreational gag season has been developed as part of the gag rebuilding plan and other shallow-water grouper stocks are considered healthy, the utility of the shallow-water grouper closure has been questioned. Therefore, this framework action also evaluates the shallow-water grouper recreational closure to see if it should be modified or eliminated.

Timetable:

Action	Date	FR Cite
NPRM	02/12/13	78 FR 12012
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC64

78. • Pacific Halibut Fisheries; Catch Sharing Plan

Legal Authority: 16 U.S.C. 773 *et seq.*

Abstract: Each year, the Pacific Fishery Management Council (Council) reviews and receives public comment on its Pacific Halibut Catch Sharing Plan (Plan) to determine whether revisions are needed to achieve management objectives for any of the West Coast halibut fisheries. As recommended by the Council, for 2013 and beyond, this action implements minor changes to the portion of the Plan covering the sport fisheries and the salmon troll commercial fishery that incidentally catches halibut. For the Columbia River subarea sport fishery the changes increase the early season percentage, decrease the late season percentage, and decrease the days of the week. This change was recommended to more fully attain this subarea's quota. This action eliminates the summer all depth season and transferring the summer quota to the spring and nearshore fisheries, for the Oregon Central coast subarea, which may be triggered by a U.S. West Coast TAC of 700,000 lbs. Additionally in this area for the nearshore fishery, there will be a reduction to the number of open days from seven to three. Finally, the start date for halibut retention in the salmon troll fishery will be changed from May 1 to April 1 each year.

Timetable:

Action	Date	FR Cite
NPRM	02/11/13	78 FR 9660
Final Rule	03/15/13	78 FR 16423
Final Action	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Frank Lockhart, Program Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115, *Phone:* 206 526–6142, *Fax:* 206 526–6736, *Email: frank.lockhart@noaa.gov.*

RIN: 0648–BC75

79. • 2013–2015 Spiny Dogfish Fishery Specifications

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The proposed action would implement annual catch limits for the spiny dogfish fishery for the 2013–2015 fishing years. The New England and Mid-Atlantic Fishery Management Councils have jointly recommended the Annual catch limits and commercial quotas for FYs 2013–2015. 2013: ACL = 54.295 million lb; commercial quota = 40.842 million lb (+14% from 2012) 2014: ACL = 55.277 million lb; commercial quota = 41.784 million lb (+17% from 2012) 2015: ACL = 55.063 million lb; commercial quota = 41.578 million lb (+16% from 2012). The Councils have also recommended an increase in the spiny dogfish possession limit from 3,000 lb to 4,000 lb per trip in each year. The Councils have recommended the possession limit increase to help improve the likelihood of fully harvesting the proposed quotas, which have increased significantly in recent years, and therefore increase trip-level spiny dogfish revenues. At the current rate of landings, with a 3,000-lb possession limit, the fishery may be unable to land the current year's commercial quota.

Timetable:

Action	Date	FR Cite
NPRM	03/12/13	78 FR 15674
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic

Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BC85

80. • International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions in Purse Seine Fisheries for 2013 and 2014

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This rule would establish requirements for U.S. purse seine vessels pursuant to a decision made by the Western and Central Pacific Fisheries Commission, which is intended to reduce or otherwise control the fishing mortality rates on three stocks of tuna (Bigeye, Yellowfin, and Skipjack Tuna). Member States of the Commission, including the United States, are obligated to establish specific requirements in their fisheries for highly migratory fish stocks in the western and central Pacific Ocean. Pursuant to the Western and Central Pacific Fisheries Convention Implementation Act, 16 U.S.C. 6901, *et seq.,* the Secretary of Commerce is authorized to implement regulations to carry out the obligations of the United States under the Western and Central Pacific Fisheries Convention (Convention), including the implementation of Commission decisions such as CMM 2012–01. This rule would implement the requirements for U.S. purse seine vessels. The rule would include limits for calendar years 2013 and 2014 on U.S. purse seine fishing effort on the high seas and in the U.S. exclusive economic zone in the Convention Area. It proposes to set controls on the use of fish aggregating devices by U.S. purse seine vessels during 2013 and 2014, including periods during which purse seine fishing may not be done on schools aggregated in association with fish aggregating devices. Finally, this action would implement a requirement, if necessary, for U.S. purse seine vessels to carry observers on all fishing trips in the Convention Area.

Timetable:

Action	Date	FR Cite
NPRM	03/07/13	78 FR 14755
Correction	03/25/13	78 FR 17919
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Graham, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814–4700, *Phone:* 808 944–2219.

RIN: 0648–BC87

81. • Emergency Rule to Establish Recreational Closure Authority Specific to Federal Waters Off Individual States for the Red Snapper Component of the Reef Fish Fishery

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Prior to the June 1 opening each year, NMFS determines the recreational red snapper fishing season length based on landings projections, which evaluate catch rates and the average weight of red snapper landed in previous years. Those projections also account for any excess fish that will be harvested in waters of states that adopt inconsistent regulations. This means that the recreational season in the entire Gulf of Mexico EEZ has been shortened to account for harvest occurring in state waters when federal waters are closed. To reduce the impact of inconsistent state regulations on all Gulf Coast states and provide for a more equitable allocation of red snapper harvest, the Council requested that NMFS implement an emergency rule that provides the authority to shorten the federal season only off those states that adopt inconsistent regulations. The federal seasons off those states would be shortened by the amount needed to correct for the additional harvest that would occur as a result of their regulations.

Timetable:

Action	Date	FR Cite
Final Rule	03/25/13	78 FR 17882
Final Action—Extension.	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD00

82. Revision of Hawaiian Monk Seal Critical Habitat

Legal Authority: 16 U.S.C. 1533

Abstract: NOAA Fisheries is developing a final rule to designate critical habitat for the Hawaiian monk seal in the main and Northwestern Hawaiian Islands. In response to a 2008 petition from the Center for Biological Diversity, Kahea, and the Ocean Conservancy to revise Hawaiian monk seal critical habitat, NOAA Fisheries published a proposed rule in June 2011 to revise Hawaiian monk seal critical habitat by adding critical habitat in the main Hawaiian Islands and extending critical habitat in the Northwestern Hawaiian Islands. Proposed critical habitat includes both marine and terrestrial habitats (e.g., foraging areas to 500 meter depth, pupping beaches, etc.). To address public comments on the proposed rule, NOAA Fisheries is augmenting its prior economic analysis to better describe the anticipated costs of the designation. NOAA Fisheries is analyzing new tracking data to assess monk seal habitat use in the main Hawaiian Islands. That may lead to some reduction in foraging area critical habitat for the main Hawaiian Islands to better reflect where preferred foraging features may be found.

Timetable:

Action	Date	FR Cite
NPRM	06/02/11	76 FR 32026
Notice of Public Meetings	07/14/11	76 FR 41446
Other	06/25/12	77 FR 37867
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Marine Sanctuaries Division, 1305 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email: helen.golde@noaa.gov.*

RIN: 0648–BA81

83. Eliminate the Expiration Date Contained in the Final Rule to Reduce the Threat of Ship Collisions With North Atlantic Right Whales

Legal Authority: 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 1531 *et seq.*

Abstract: In 2008 NMFS promulgated a regulation designed to reduce the likelihood of deaths and serious injuries to endangered North Atlantic right whales that result from collisions with ships. The rule implemented speed restrictions of no more than 10 knots applying to all vessels 65 ft long or greater in certain locations and times of the year along the east coast of the United States. To resolve controversy over the rule, NMFS agreed to incorporate a sunset clause under which the rule would expire on December 9, 2013. NMFS has been monitoring compliance and effectiveness of the rule and has detected a considerable increase in the rate of compliance with the rule in the third year. There are only approximately 400 remaining North Atlantic right whales and the rate of encounter is relatively low, so detecting

a trend in the rate of ship-strike mortalities will require several additional years of data, and soliciting comment on an alternative to extend the sunset provision. NMFS is proposing a rule that would remove the sunset provision and allow the rule to remain in place. Based on an evaluation of recent information, NMFS estimated economic impacts to be considerably less than was originally thought.

Timetable:

Action	Date	FR Cite
NPRM	06/06/13	78 FR 34024
Final Action	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Marine Sanctuaries Division, 1305 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email: helen.golde@noaa.gov.*

RIN: 0648–BB20

84. Endangered and Threatened Species: Designation of Critical Habitat for Threatened Lower Columbia River Coho Salmon and Puget Sound Steelhead

Legal Authority: 16 U.S.C. 1531–1544

Abstract: This action will designate critical habitat for lower Columbia River coho salmon and Puget Sound steelhead, currently listed as threatened species under the Endangered Species Act. The specific areas proposed for designation in for lower Columbia River coho include approximately 2,288 mi (3,681 km) of freshwater and estuarine habitat in Oregon and Washington. The specific areas proposed for designation for Puget Sound steelhead include approximately 1,880 mi (3,026 km) of freshwater and estuarine habitat in Puget Sound, Washington.

Timetable:

Action	Date	FR Cite
NPRM	01/14/13	78 FR 2725
Final Action	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Marine Sanctuaries Division, 1305 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email: helen.golde@noaa.gov.*

RIN: 0648–BB30

85. • Framework Adjustment 24 to the Atlantic Sea Scallop FMP and Framework Adjustment 49 to the Northeast Multispecies FMP

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Framework 24 to the Atlantic Sea Scallop FMP will set management measures for the scallop fishery for the 2013 fishing year, including the annual catch limits for the limited access and limited access general category fleets, as well as days-at-sea allocations and sea scallop access area trip allocations. In addition, it adjusts the Georges Bank scallop access area closure schedule, refines the management of yellowtail flounder accountability measures in the scallop fishery, makes adjustments to the industry-funded observer program, and provides more flexibility in the management of the individual fishing quota program. Because Framework 24 includes an alternative to modify the Georges Bank scallop access area seasonal restrictions, this action is also a joint framework with the Northeast Multispecies Fishery Management Plan (Framework 49).

Timetable:

Action	Date	FR Cite
NPRM	03/15/13	78 FR 16573
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BC81

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Long-Term Actions

National Marine Fisheries Service

86. Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rule revises and updates the NMFS procedures for complying with NEPA in the context of fishery management actions developed pursuant to MSRA.

Timetable:

Action	Date	FR Cite
NPRM	05/14/08	73 FR 27998
NPRM Comment Period End.	06/13/08	
Next Stage Undetermined.	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steve Leathery, *Phone:* 301 713–2239, *Email: steve.leathery@noaa.gov.*

RIN: 0648–AV53

87. Marine Mammal Protection Act Stranding Regulation Revisions

Legal Authority: 16 U.S.C. 1379; 16 U.S.C. 1382; 16 U.S.C. 1421

Abstract: NMFS intends to clarify the requirements and procedures for responding to stranded marine mammals and for determining the disposition of rehabilitated marine mammals, which includes the procedures for the placement of non-releasable animals and for authorizing the retention of releasable rehabilitated marine mammals for scientific research, enhancement, or public display.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/08	73 FR 5786
ANPRM	01/31/08	73 FR 5786
ANPRM Comment Period Extended.	03/28/08	73 FR 16617
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Helen Golde, *Phone:* 301 427–8400, *Email: helen.golde@noaa.gov.*

RIN: 0648–AW22

88. Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The red snapper stock in the South Atlantic was assessed through the Southeast, Data, Assessment, and Review process in 2008 and 2010. The assessments indicate that the stock is experiencing overfishing and is overfished. As a result of the 2008 assessment, fishing for red snapper has been prohibited in federal waters off the south Atlantic states since January 4, 2010. In Amendment 22, the National Marine Fisheries Service and the South Atlantic Fishery Management Council are considering alternatives to change the current harvest restrictions on red snapper as the stock increases in biomass. Examples of measures under

consideration include the implementation of red snapper trip limits, bag limits, a catch share program, tag program, temporal and spatial closures including those to protect spawning stocks, and gear prohibitions.

Timetable:

Action	Date	FR Cite
Notice of Intent	01/03/11	76 FR 101
Notice of Intent Comment Period End	02/14/11	
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BA53

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

89. Amendment 3 to the Spiny Dogfish Fishery Management Plan

Legal Authority: 16 U.S.C. 1801

Abstract: The New England and Mid-Atlantic Fishery Management Councils are preparing, in cooperation with NMFS, and Environmental Impact Statement in accordance with the National Environmental Policy Act to assess potential effects on the human environment of alternative measures to address several issues regarding the Spiny Dogfish Fishery Management Plan. Issues that may be addressed include: Initiating a Research-Set-Aside provision; specifying the spiny dogfish quota and/or possession limits by sex; adding a recreational fishery to the Fishery Management Plan; identifying commercial quota allocation alternatives; and establishing a limited access fishery.

Timetable:

Action	Date	FR Cite
Notice of Intent	08/05/09	74 FR 39063
Notice of Intent to prepare an Environmental Impact Statement.	08/05/09	74 FR 30963
Comment Period End.	09/04/09	
Notice of Intent	05/13/10	75 FR 26920

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–AY12

90. Fisheries in the Western Pacific; Pelagic Fisheries; Purse Seine Fishing With Fish Aggregation Devices

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The Western Pacific Council is amending the Pelagics Fishery Ecosystem Plan (FEP) to (1) define fish aggregating devices (FADs) as purposefully-deployed or instrumented floating objects; (2) require FADs to be registered; and (3) prohibit purse seine fishing using FADs in the US EEZ of the western Pacific. The objective of this action is to appropriately balance the needs and concerns of the western Pacific pelagic fishing fleets and associated fishing communities with the conservation of tuna stocks in the western Pacific.

Timetable:

Action	Date	FR Cite
Withdrawn	04/08/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814, *Phone:* 808 944–2207, *Fax:* 808 973–2941, *Email: alvin.katekaru@noaa.gov.*

RIN: 0648–AY36

91. Amendment to Recover the Administrative Costs of Processing Permit Applications

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 1853; 16 U.S.C. 1854; 16 U.S.C. 3631 *et seq.;* 16 U.S.C. 773 *et seq.;* Pub. L. 108–447

Abstract: This action amends the fishery management plans of the North Pacific Fishery Management Council and revises federal regulations at 50 CFR 679 to recover the administrative costs of processing applications for permits required under those plans.

Timetable:

Action	Date	FR Cite
Withdrawn	04/08/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–AY81

92. Amendment 21 to the Snapper–Grouper Fishery Management Plan of the South Atlantic Region

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Amendment 21 examines measures to limit participation in the snapper grouper fishery including endorsements, trip limits, and catch share programs.

Timetable:

Action	Date	FR Cite
Notice	11/03/11	76 FR 100
Withdrawn	04/08/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BA59

93. Amendment 6 to the Golden Crab Fishery Management Plan of the South Atlantic

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Golden Crab Amendment 6 examines alternatives for a catch share program to limit participation in the golden crab fishery.

Timetable:

Action	Date	FR Cite
Notice of Intent	01/03/11	76 FR 98
Withdrawn	04/08/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, Email: *roy.crabtree@noaa.gov.*

RIN: 0648–BA60

94. Atlantic Highly Migratory Species; Vessel Monitoring Systems

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: The National Marine Fisheries Service (NMFS) will require replacement of currently required Mobile Transmitting Unit (MTU) Vessel

Monitoring System (VMS) units with Enhanced Mobile Transmitting Unit (E–MTU) VMS units in Atlantic Highly Migratory Species (HMS) fisheries, implement a declaration system that requires vessels to declare target fishery and gear type(s) possessed on board, and require that a qualified marine electrician install all E–MTU VMS units. This rulemaking removes dated MTU VMS units from service in Atlantic HMS fisheries, makes Atlantic HMS VMS requirements consistent with other VMS monitored Atlantic fisheries, provides the National Oceanic and Atmospheric Administration Office of Law Enforcement (NMFS) with enhanced communication with HMS vessels at sea, and could increase the level of safety at sea for HMS fishery participants. This rule affects all HMS pelagic longline (PLL), bottom longline (BLL), and shark gillnet fishermen who are currently required to have VMS onboard their vessels.

Timetable:

Action	Date	FR Cite
NPRM	06/21/11	76 FR 36071
NPRM Correction	06/29/11	76 FR 38107
Notice of Additional Public Meetings.	07/01/11	76 FR 38598
NPRM Comment Period End.	08/01/11	
Final Rule	12/02/11	76 FR 75492
Final Action	10/11/12	77 FR 61727

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Margo Schulze-Haugen, Supervisory Fish Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–0234, *Fax:* 301 713–1917, *Email: margo.schulze-haugen@noaa.gov.*

RIN: 0648–BA64

95. Atlantic Highly Migratory Species Electronic Dealer Reporting Requirements

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rule implements an electronic dealer reporting system for dealers that handle sharks, swordfish, and bigeye, albacore, yellowfin, and skipjack tunas. This rule does not alter dealer reporting for bluefin tuna. The rule requires dealers to report electronically on a weekly basis. Dealers who currently use other electronic reporting methods (e.g., SAFIS in the Northeast) may continue using those other systems.

Timetable:

Action	Date	FR Cite
NPRM	06/28/11	76 FR 37750
Public Workshop Notice.	06/29/12	77 FR 38722
Public Workshop Notice.	07/30/12	77 FR 44592
Final Rule	08/08/12	77 FR 47303
Public Workshop Notice.	10/02/12	77 FR 60108
Final Action—Correction.	12/07/12	77 FR 72993

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Margo Schulze-Haugen, Supervisory Fish Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–0234, *Fax:* 301 713–1917, *Email: margo.schulze-haugen@noaa.gov.*

RIN: 0648–BA75

96. To Establish a Voluntary Fishing Capacity Reduction Program in the Longline Catcher Processor Subsector of the Bering Sea and Aleutian Islands Management Area Non-Pollock Groundfish Fishery

Legal Authority: 16 U.S.C. 1279 ; 46 U.S.C. 1279; Pub. L. 108–199; Pub. L. 108–447

Abstract: This regulation implements a second fishing capacity reduction program (also commonly known as buyback) and an industry fee system to repay a $2.7 million loan for a single latent permit within the Longline Catcher Processor Subsector of the Bering Sea and Aleutian Islands non-pollock groundfish fishery (Reduction Fishery). The purpose of this action is to permanently reduce the greatest amount of fishing capacity at the least cost.

Timetable:

Action	Date	FR Cite
NPRM	07/30/12	77 FR 44572
Final Action	09/27/12	77 FR 58775

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gary C. Reisner, Director, Office of Management and Budget, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2259, *Fax:* 301 713–1464, *Email: gary.reisner@noaa.gov.*

RIN: 0648–BB06

97. Framework Adjustment 47 to the Northeast Multispecies Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The proposed action would implement Framework Adjustment 47 to the Northeast Multispecies Fishery Management Plan (FW 47). FW 47 would set specifications for groundfish stocks for fishing years (FYs) 2012 through 2014. This action would also adopt the FY 2012 total allowable catches (TACs) for the U.S./Canada Management Area consistent with the U.S./Canada Resource Understanding. As a result of the International Fisheries Agreement Clarification Act, draft measures of this action also include revising the rebuilding program for Georges Bank (GB) yellowtail flounder. This action would also revise the status determination criteria for the three winter flounder stocks and Gulf of Maine (GOM) cod based on the updated assessments for each of the stocks. Other draft measures includes modification of management measures for Southern New England/Mid-Atlantic winter flounder, modification of accountability measures for five stocks, modification of restrictions on the catch of yellowtail flounder by the scallop fishery in the GB access areas, and adjustments to the administration of the scallop fishery yellowtail flounder catch limits.

Timetable:

Action	Date	FR Cite
Proposed Rule	03/27/12	77 FR 18176
Final Rule	05/02/12	77 FR 26104
Interim Final Rule	06/25/12	77 FR 37816

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel Morris, Acting Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9311, *Email: daniel.morris@noaa.gov.*

RIN: 0648–BB62

98. Gulf of Mexico Reef Fish Amendment 34: Commercial Reef Fish Permit Requirements and Crew Size on Dual-Permitted Vessels

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Reef Fish Amendment 34 eliminates the earned income qualification requirement for the renewal of Gulf of Mexico commercial reef fish permits and increases the maximum crew size for dual-permitted vessels. The existing earned income requirement in the reef fish fishery is believed to be easily circumvented, and

no longer necessary. Maximum crew size regulations stipulate that dual-permitted vessels without a certificate of inspection are limited to a three person crew when fishing commercially. The increase to four crew members most directly benefits commercial spear fishermen. This allows two persons to remain aboard while there are two divers in the water, thereby increasing the safety of commercial diving operations.

Timetable:

Action	Date	FR Cite
Notice of Availability.	07/10/12	77 FR 40561
NPRM	07/18/12	77 FR 42251
Final Action	10/19/12	77 FR 64237

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BB72

99. 2012 Gulf of Mexico Gray Triggerfish Annual Catch Limits and Annual Catch Targets for the Commercial and Recreational Sectors; and In-Season Accountability Measures for the Recreational Sector

Legal Authority: 16 U.S.C. 1801

Abstract: This interim rule adjusts recreational and commercial quotas for the 2012 season. In addition, the rule establishes an accountability measure for the recreational sector based on projections of when the adjusted recreational quota will be met. The intended effect of the rule is to maintain the rebuilding plan targets for the overfished gray triggerfish and meet the regulatory requirements established in Amendment 30A to the Fishery Management Plan.

Timetable:

Action	Date	FR Cite
Final Rule	05/14/12	77 FR 28308
Final Action	11/09/12	77 FR 67303

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BB90

100. Amendment 35 to the Reef Fish Fishery Management Plan Addressing Changes to the Greater Amberjack Rebuilding Plan and Adjustments to the Stock Annual Catch Limit in the Gulf of Mexico

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rulemaking adjusts the greater amberjack rebuilding plan proposed by the Gulf of Mexico Fishery Management Council through Amendment 35 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico in response to new scientific information. Adjustments include a revised annual catch limit, accountability measures, and other regulations designed to rebuild the greater amberjack stock in the Gulf of Mexico.

Timetable:

Action	Date	FR Cite
Notice of Availability.	07/03/12	77 FR 39460
NPRM	07/19/12	77 FR 42476
Final Action	11/13/12	77 FR 67574

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BB97

101. Framework Adjustment 6 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This framework adjustment clarifies the Mid-Atlantic Fishery Management Councils (Council) risk policy, which is used by the Scientific and Statistical Committee (SSC) in conjunction with acceptable biological catch (ABC) control rules. The risk policy ensures that the Councils preferred tolerance for risk of overfishing (40 percent or lower) is addressed in the ABC development and recommendation process. The regulations that implement the Councils risk policy went into effect on October 31, 2011, as part of the Councils Omnibus Amendment to implement annual catch limits and accountability measures. One component of the risk policy states that, ''If an overfishing limit (OFL) cannot be determined from the stock assessment, or if a proxy is not provided by the SSC during the ABC recommendation process, ABC levels may not be increased until such time that an OFL has been identified. This was designed to prevent catch levels from being increased when there are no criteria available to determine if overfishing will occur in the upcoming fishing year. Following one of the first applications of the risk policy for the 2012 fishing year (2012 butterfish specifications), the Council found that there are limited circumstances in which the SSC may have the scientific justification for recommending that the ABC be increased for stocks without an OFL without resulting in an unacceptably high risk of overfishing. This framework alters the risk policy by outlining the specific circumstances under which the SSC may recommend an ABC increase in the absence of an OFL.

Timetable:

Action	Date	FR Cite
NPRM	06/28/12	77 FR 38566
Final Action	08/27/12	77 FR 51853

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BB99

102. Regulatory Amendment 12 to the Fishery Management Plan for the Snapper Grouper Fishery in the South Atlantic

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rulemaking increases the annual catch limit (ACL) and revises recreational accountability measures for the South Atlantic golden tilefish based on a new stock assessment. The assessment, conducted in 2011 with data through 2010, concluded golden tilefish are not overfished and overfishing is not occurring.

Timetable:

Action	Date	FR Cite
NPRM	07/20/12	77 FR 42688
NPRM Comment Period End.	08/20/12	
Final Action	10/09/12	77 FR 61295

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue

South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC03

103. Framework Adjustment 5 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This framework adjustment expands the list of marine surveyors allowed to complete a fish hold volume certification for vessels issued a Tier 1 or Tier 2 limited access mackerel permit. Amendment 11 to the Atlantic mackerel, squid, and butterfish fishery management plan required that vessels issued a Tier 1 or 2 limited access mackerel permit submit a fish hold volume certification to NMFS by December 31, 2012. Currently, individuals credentialed as marine surveyors by the Society of Marine Surveyors or the National Association of Marine Surveyors are allowed to complete fish hold measurements for such vessels, as are vessels that are sealed by the Maine State Sealer of Weights and Measures. Based on industry feedback, there are additional marine professionals who are also qualified to conduct vessel hold volume certifications. This action would allow vessels to submit hold certifications provided by other marine surveyors who are equally qualified to perform such measurements.

Timetable:

Action	Date	FR Cite
NPRM	09/21/12	77 FR 58507
Final Action	12/04/12	77 FR 71720

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel Morris, Acting Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9311, *Email: daniel.morris@noaa.gov.*

RIN: 0648–BC08

104. Development of Island-Specific Fishery Management Plans (FMPS) in the Caribbean: Transition From Species-Specific FMPS to Island-Specific FMPS

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: NOAA Fisheries and the Caribbean Fishery Management Council will develop island-specific FMPs to account for differences among the U.S. Caribbean Islands of Puerto Rico and the U.S. Virgin Islands with respect to culture, markets, gear, and seafood preferences. The development of these customized FMPs will recognize the unique attributes of each of the U.S. Caribbean Islands.

Timetable:

Action	Date	FR Cite
Withdrawn	04/08/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bill Arnold, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Suite 113, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Email: bill.arnold@noaa.gov.*

RIN: 0648–BC17

105. Comprehensive Ecosystem Based Amendment 3

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Actions in Comprehensive Ecosystem-Based Amendment 3 (CE–BA 3) address improvements in data collection methods in the South Atlantic. Measures include improvements in data collection methods in commercial, for-hire, and recreational fisheries.

Timetable:

Action	Date	FR Cite
Notice of Intent	05/23/12	77 FR 30506
Withdrawn	04/08/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC22

106. Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 17

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The action implements Amendment 17 to the Pacific Coast Salmon Fishery Management Plan (FMP), which revises the status determination criteria (SDC) for Quillayute fall coho, and revise the fishery management plan to correct typographical errors, update reporting measures to reflect new technology, update or remove other obsolete or unnecessary language, and remove a public comment period following a final rule. The purpose of the amendment is to resolve the partial disapproval of Amendment 16, regarding the SDC for Quillayute fall coho, and update or correct other minor issues.

Timetable:

Action	Date	FR Cite
Notice	11/09/12	77 FR 67327
NPRM	12/19/12	77 FR 75101
Final Action	02/14/13	78 FR 10557

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Building 1, 7600 Sand Point Way NE., Seattle, WA 48115–0070, *Phone:* 206 526–6150, *Fax:* 206 526–6426, *Email: barry.thom@noaa.gov.*

RIN: 0648–BC28

107. Amendment 38 to the Fishery Management Plan for Reef Fish Resources In the Gulf of Mexico

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This amendment modifies the post-season accountability measure for shallow-water grouper that shortens the recreational season for all shallow-water grouper in the year following a year in which the annual catch limit (ACL) for gag or red grouper is exceeded. The modified accountability measure would shorten the recreational season only for the species that exceeded its ACL. This amendment also changes the trigger for accountability measures to be based on comparison to the current year landings, rather than a three-year running average. Last, this amendment revises the framework procedure to allow for changes to accountability measures and to update language related to Council advisory panels and committees.

Timetable:

Action	Date	FR Cite
Notice	10/12/12	77 FR 62209
NPRM	10/19/12	77 FR 64300
Final Action	01/30/13	78 FR 6218

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC37

108. Amendment 4 to the U.S. Caribbean Coral FMP: Seagrass Management

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The purpose of this plan amendment is to address management of seagrasses in the U.S. Caribbean. Four species and one species group of seagrasses are included in the Coral FMP. The Magnuson-Stevens Fishery Conservation and Management Act requires FMPs to contain mechanisms for specifying annual catch limits (ACLs) for stocks in the fishery, including measures to ensure accountability (AMs). The 2011 Comprehensive ACL Amendment established ACLs and AMs for species within the Coral FMP, but inadvertently did not set ACLs for the seagrasses included in the management plan. The Caribbean Fishery Management Council is now developing Amendment 4 to address this oversight. There is currently no commercial or recreational fishing for seagrasses in the U.S. Caribbean and seagrasses are identified as essential fish habitat in all of the Councils FMPs. Thus, in this Amendment, the Council is considering whether to set an ACL for seagrasses, designate seagrasses as ecosystem component species, or remove seagrasses from the FMP.

Timetable:

Action	Date	FR Cite
Notice	02/25/13	78 FR 12703
NPRM	03/06/13	78 FR 14503
Final Action	06/04/13	78 FR 33255

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC38

109. 2013 Atlantic Mackerel, Squid, and Butterfish Fishery Specifications and Management Measures

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action establishes specifications and management measures for the 2013 fishing year for Atlantic mackerel, squid, and butterfish (MSB). Specifications for longfin squid and Illex squid were set for 3 years in 2012 (2012–2014) and therefore, will not be included in this years specification rulemaking. This action makes regulatory changes to the longfin squid fishery including: Changing the longfin squid pre-trip observer notification requirement from 72 to 48 hours, changing the closure threshold on April 15 of each year from 80 to 90%, and changing the closure threshold on August 15 of each year from 90 to 95% to avoid 1–2 week closures at the end of a Trimester. The Atlantic mackerel specifications are proposed to remain unchanged, and would be specified for 3 years (2013–2015). Compared to 2012, this action increases the butterfish quota by 236%, and increase the butterfish mortality cap by 184%. Due to the increase in the proposed butterfish quota, this action also proposed a variety of options for controlling effort in the directed butterfish fishery including changes to trip limits, the closure threshold for the directed fishery, and post-closure trip limits.

Timetable:

Action	Date	FR Cite
NPRM	11/19/12	77 FR 69426
Final Action	01/16/13	78 FR 3346

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BC40

110. Generic Amendment 4 to Fishery Management Plans in the Gulf of Mexico: Fixed Petroleum Platforms and Artificial Reefs as Essential Fish Habitat

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Potentially significant numbers of individuals of managed reef fish species are known to associate with artificial substrates and petroleum-producing platforms. Fishers, both recreational and commercial, have come to utilize these platforms as sites to catch these fish. Some are of the opinion that the habitat provided by these structures may be necessary to support viable fish populations and associated fisheries. Through Generic Amendment 4, the Gulf of Mexico Fishery Management Council is considering alternatives for artificial substrates and petroleum platforms to be considered as Essential Fish Habitat. As part of their deliberations, the Council is evaluating alternative mechanisms that could facilitate the reefing of such structures to be consistent with the national artificial reef plan.

Timetable:

Action	Date	FR Cite
Withdrawn	04/08/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC47

111. Interim Final Rule for 2012 Butterfish Specifications

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The Mid-Atlantic Fishery Management Council (Council) requested that its Scientific and Statistical Committee (SSC) reconsider its 2012 butterfish ABC recommendation in light of its higher (8,400 mt) butterfish acceptable biological catch (ABC) recommendation for 2013. The SSC revised their 2012 butterfish ABC recommendation to 4,200 mt and noted that the additional mortality at the end of the 2012 fishing year should not result in overfishing of the butterfish resource. Accordingly, the Council recommended an increase of the butterfish ABC to 4,200 mt for the remainder of the 2012 fishing year, a decrease of the butterfish quota to 872 mt, and an increase of the butterfish mortality cap to 3,165 mt.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/12	77 FR 67305

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BC57

112. Emergency Rule for a Temporary Action to Adjust the Commercial ACL for Yellowtail Snapper in the South Atlantic Snapper–Grouper Fishery

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: NOAA Fisheries intends to publish a temporary rule for an emergency action to adjust the commercial annual catch limit (ACL) for yellowtail snapper in the South Atlantic for 2012. A new stock assessment for yellowtail snapper suggests the ACL

could be increased. Based on this new information, the South Atlantic Fishery Management Council (Council) requested that NOAA Fisheries implement a temporary rule for an emergency action to adjust the yellowtail snapper commercial ACL. Doing so will reduce the probability of triggering a closure of the commercial harvest of yellowtail snapper and thus prevent unnecessary adverse socio-economic impacts to the fishery participants. The Council is developing a more permanent implementation of the new yellowtail snapper ACL in the subsequent Regulatory Amendment 15 to FMP for the Snapper-Grouper Fishery of the South Atlantic.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/07/12	77 FR 66744
Withdrawn	04/08/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC59

113. Emergency Rule To Set the 2012 Annual Catch Limit for the Gulf of Mexico Vermilion Snapper Stock

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The current vermilion snapper annual catch limit (ACL) is 3.42 million pounds (mp). A 2011 stock assessment indicates vermilion snapper are not overfished or undergoing overfishing. Based on the assessment, the Gulf of Mexico Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) has recommended an acceptable biological catch level much higher than the current ACL (>1 mp). The Gulf of Mexico Fishery Management Council (Council) requested NOAA Fisheries Service to promulgate an emergency rule to increase the vermilion snapper ACL. Landing projections for 2012 indicate the current ACL may be caught before the end of the 2012 fishing year (December 31). If the ACL is met, accountability measures would close vermilion snapper fishing for the remainder of the 2012 fishing year. Therefore, the Council asked for an emergency rule to increase the ACL to 4.19 mp. This new limit is consistent with the management advice from the Council's SSC.

Timetable:

Action	Date	FR Cite
Withdrawn	04/08/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC65

114. Reduce Sea Turtle Bycatch in Atlantic Trawl Fisheries

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: NMFS is initiating a rulemaking action to reduce injury and mortality to endangered and threatened sea turtles resulting from incidental take, or bycatch, in trawl fisheries in the Atlantic waters. NMFS will address the size of the turtle excluder device (TED) escape opening currently required in the summer flounder trawl fishery, the definition of a summer flounder trawler, and the use of TEDs in this fishery. This action will address the use of TEDs in the croaker and weakfish flynet, whelk, Atlantic sea scallop, and calico scallop trawl fisheries of the Atlantic Ocean, as well as new seasonal and temporal boundaries for TED requirements. In addition, this rule will address the definition of the Gulf Area applicable to the shrimp trawl fishery in the southeast Atlantic and Gulf of Mexico. The purpose of the rule is to aid in the protection and recovery of listed sea turtle populations by reducing mortality in trawl fisheries through the use of TEDs.

Timetable:

Action	Date	FR Cite
Withdrawn	04/12/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Marine Sanctuaries Division, 1305 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email: helen.golde@noaa.gov.*

RIN: 0648–AY61

115. False Killer Whale Take Reduction Plan

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: The False Killer Whale Take Reduction Plan (FKWTRP) is necessary because current serious injury and mortality rates of the Hawaii Pelagic stock of false killer whales incidental to the Category I Hawaii-based deep-set (tuna target) longline fishery and Category II Hawaii-based shallow-set (swordfish target) fishery are above the stock's potential biological removal (PBR) level, and therefore inconsistent with the short-term goal of the Marine Mammal Protection Act (MMPA). Additionally, serious injury and mortality rates of the Hawaii Insular stock and Palmyra Atoll stocks of false killer whales incidental to the Hawaii-based deep-set longline fishery are above insignificant levels approaching a zero mortality and serious injury rate, and therefore inconsistent with the long-term goal of the MMPA. The FKWTRP is intended to meet the statutory mandates and requirements of the MMPA through both regulatory and non-regulatory measures, and research and data collection priorities.

Timetable:

Action	Date	FR Cite
NPRM	07/18/11	76 FR 42082
NPRM Comment Period Ends.	10/17/11	
Final Action	11/29/12	77 FR 71259

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Marine Sanctuaries Division, 1305 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email: helen.golde@noaa.gov.*

RIN: 0648–BA30

116. Mandatory Use of Turtle Excluder Devices (TEDS) in Skimmer Trawls, Pusher-Head Trawls, and Wing Nets (Butterfly Trawls)

Legal Authority: 16 U.S.C. 1533.

Abstract: NMFS conducted an evaluation of the Southeastern U.S. shrimp fishery and produced a draft environmental impact statement (DEIS), as a result of elevated sea turtle strandings in the Northern Gulf of Mexico and additional information having been received indicating many of the strandings could be a result of fishery interactions. The DEIS identified a preferred alternative to withdraw alternative tow time restriction, which would require all vessels using skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) to use turtle excluder devices. The purpose of the proposed action is to aid in the protection and recovery of listed sea

turtle populations by reducing incidental bycatch and mortality of sea turtles in the Southeastern U.S. shrimp fishery.

Timetable:

Action	Date	FR Cite
NPRM	05/10/12	77 FR 27411
Proposed Rule Correction.	05/18/12	77 FR 29586
Miami Public Hearing.	06/22/12	77 FR 37647
Port Orange Public Hearing.	06/27/12	77 FR 38266
Withdrawn	02/07/13	78 FR 9024

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC10

DEPARTMENT OF COMMERCE (DOC)

Patent and Trademark Office (PTO)

Completed Actions

117. Setting and Adjusting Patent Fees

Legal Authority: 35 U.S.C. 119; 35 U.S.C. 120; 35 U.S.C. 132(b); 35 U.S.C. 376; 35 U.S.C. 41; Pub. L. 109–383; Pub. L. 110–116; Pub. L. 110–137; Pub. L. 110–149; Pub. L. 110–161; Pub. L. 110–5; Pub. L. 110–92; Pub. L. 112–29

Abstract: The United States Patent and Trademark Office (Office) takes this action in accordance with the Leahy-Smith American Invents Act to set and adjust certain patent fee amounts to provide the Office with a sufficient amount of aggregate revenue to recover its aggregate cost of patent operations. This action also helps the Office implement a sustainable funding model, reduce the current patent application backlog, decrease patent pendency, improve patent quality, and upgrade the Office's patent business information technology capability and infrastructure.

Timetable:

Action	Date	FR Cite
NPRM	09/06/12	77 FR 55028
NPRM Comment Period End.	11/05/12	
Final Rule	01/18/13	78 FR 4212
Final Rule Effective.	03/19/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michelle Picard, Senior Advisor for Financial Management, Department of Commerce, Patent and Trademark Office, 600 Dulany Street, Alexandria, VA 22313, *Phone:* 571 272–6354, *Fax:* 571 273–6354, *Email: michelle.picard@uspto.gov.*

RIN: 0651–AC54

[FR Doc. 2013–17054 Filed 7–22–13; 8:45 am]

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FEDERAL REGISTER

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Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

48 CFR Ch. II

Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Defense (DoD).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 ''Regulatory Planning and Review.'' This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the executive order and other regulatory guidance. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process. Members of the public may submit comments on individual proposed and interim final rulemakings at *www.regulations.gov* during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on January 8, 2013, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in the fall of 2013. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

Starting with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov*, in a format that offers users the ability to obtain information from the agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Defense's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is in the Unified Agenda available online.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Patricia Toppings, telephone 571–372–0485, or write to Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155, or email: *patricia.toppings@whs.mil.*

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301–1600, or call 703–697–2714.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Morgan Park, telephone 571–372–0489, or write to Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155, or email: *morgan.park@whs.mil.*

For general information on Office of the Secretary agenda items, which are procurement-related, contact Mr. Manuel Quinones, telephone 571–372–6085 or write to Defense Acquisition Regulations Directorate, 4800 Mark Center Drive, Suite 15D07–2, Alexandria, VA 22350, or email: *manuel.quinones@osd.mil.*

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 703–428–6173, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS–RDR–C, Casey Building, Room 102, 7701 Telegraph Road, Alexandria, VA 22315–3860, or email: *brenda.s.bowen.civ@mail.mil.*

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Chip Smith, telephone 703–693–3644, or write to Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Room 2E569, Washington, DC 20310–0108, or email: *chip.smith@hqda.army.mil.*

For general information on Department of the Navy regulations, contact LCDR Catherine Chiapetta, telephone 703–614–7408, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066, or email: *catherine.chiapetta@navy.mil.*

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703–695–6608/6605, or write to Department of the Air Force, SAF/A6PP, 1800 Air Force Pentagon, Washington, DC 20330–1800, or email: *bao-anh.trinh@pentagon.af.mil.*

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions is composed of the regulatory status reports, including procurement-related regulatory status reports, from the Office of the Secretary of Defense (OSD) and the Departments of the Army and Navy. Included also is the regulatory status report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of Executive Order 12866 and involve water resource projects and regulation of activities in waters of the United States.

DoD issuances range from DoD directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement directives). The OSD agenda section contains the primary directives under which DoD components promulgate their implementing regulations.

In addition, this agenda, although published under the reporting requirements of Executive Order 12866, continues to be the DoD single-source reporting vehicle, which identifies issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, DoD components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act of 1995;

c. Unfunded Mandates Reform Act of 1995.

Those DoD issuances, which are directly applicable under these statutes,

will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Although not a regulatory agency, DoD will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

Dated: April 18, 2013.

Michael L. Rhodes,

Director, Administration and Management.

DEFENSE ACQUISITION REGULATIONS COUNCIL—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
118	Safeguarding Unclassified DoD Information (DFARS Case 2011–D039)	0750–AG47
119	Ownership of Offeror (DFARS Case 2011–D044)	0750–AH58
120	Release of Fundamental Research Information (DFARS Case 2012–D054)	0750–AH92

DEFENSE ACQUISITION REGULATIONS COUNCIL—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
121	Government Support Contractor Access to Technical Data (DFARS Case 2009–D031)	0750–AG95
122	Proposal Adequacy Checklist (DFARS Case 2011–D042)	0750–AH47

OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
123	TRICARE; Reimbursement of Sole Community Hospitals	0720–AB41

DEPARTMENT OF DEFENSE (DOD)

Defense Acquisition Regulations Council (DARC)

Final Rule Stage

118. Safeguarding Unclassified DOD Information (DFARS Case 2011–D039)

Legal Authority: 41 U.S.C. 1303

Abstract: DoD is issuing an interim rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to add a DFARS subpart and associated contract clauses to address requirements for the safeguarding of unclassified information within contractor information systems as specified in Executive Order 13556, Controlled Unclassified Information. DoD published an Advance Notice of Proposed Rulemaking (ANPR), and notice of public meeting in the **Federal Register** at 75 FR 9563 on March 3, 2010, to provide the public an opportunity for input into the initial rulemaking process. A proposed DFARS rule was published in the **Federal Register** at 76 FR 38089 on June 29, 2011 to implement adequate security measures to safeguard unclassified DoD information within contractor information systems from unauthorized access and disclosure, and to prescribe reporting to DoD with regard to certain cyber intrusion events that affect DoD information resident on or transiting through contractor unclassified information systems. After comments were received on the proposed rule it was decided that the scope of the rule would be modified to reduce the information covered. This interim rule addresses safeguarding requirements that cover only unclassified controlled technical information, and reporting the compromise of unclassified controlled technical information. DoD anticipates this rule may have a significant economic impact on a substantial number of small entities. DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/10	75 FR 9563
ANPRM Comment Period End.	05/03/10	
NPRM	06/29/11	76 FR 38089
NPRM Comment Period End.	08/29/11	
NPRM Comment Period Extended.	12/16/11	76 FR 55297
NPRM Comment Period Extended.	10/28/11	76 FR 66889
NPRM Comment Period End.	12/16/11	
Interim Final Rule	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Manuel Quinones, Department of Defense, Defense Acquisition Regulations Council, 4800 Mark Center Drive, Suite 15D07–2, Alexandria, VA 22350, *Phone:* 571 372–6088, *Email: manuel.quinones@osd.mil.*

RIN: 0750–AG47

119. Ownership of Offeror (DFARS Case 2011–D044)

Legal Authority: 41 U.S.C. 1303

Abstract: DoD is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add a solicitation provision to require offerors to identify their highest-level owner, immediate owner, and entity with controlling interest in the offeror. The Commercial And Government Entity (CAGE) code and legal name of that business provide the ability to identify owners of offerors. DoD does not anticipate this rule will have a significant impact on small business.

Timetable:

Action	Date	FR Cite
NPRM	07/24/12	77 FR 43474
NPRM Comment Period End.	09/24/12	
Final Action	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Manuel Quinones, Department of Defense, Defense Acquisition Regulations Council, 4800 Mark Center Drive, Suite 15D07–2, Alexandria, VA 22350, *Phone:* 571 372–6088, *Email: manuel.quinones@osd.mi.l*

RIN: 0750–AH58

120. • Release of Fundamental Research Information (DFARS Case 2012–D054)

Legal Authority: 41 U.S.C. 1303

Abstract: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to provide guidance relating to the release of fundamental research information. This rule was previously published as part of the proposed rule 2011–D039, Safeguarding Unclassified DoD Information. This was broken out as a separate rule because the changes in this DFARS clause deal with the release of information on fundamental research projects and not safeguarding. This rule was initiated to implement guidance provided by the Under Secretary of Defense for Acquisition, Technology and Logistics (AT&L) in a memorandum dated May 24, 2010. The memorandum provided additional clarifying guidance to ensure that DoD does not restrict disclosure of the results of fundamental research, as defined by the National Security Decision Directive (NSDD) 189, unless such research efforts are classified for reasons of national security or otherwise restricted by applicable Federal statutes, regulations, or executive orders. The final rule is not expected to have a significant impact on small entities, because the rule aims to implement policy guidance that is already being followed within DoD regarding restrictions on the disclosure of fundamental research.

Timetable:

Action	Date	FR Cite
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kortnee Stewart, Department of Defense, Defense Acquisition Regulations Council, 4800 Mark Center Drive, Suite 15D07–02, Alexandria, VA 22350, *Phone:* 571 372–6100, *Email: kortnee.stewart@osd.mil.*

RIN: 0750–AH92

DEPARTMENT OF DEFENSE (DOD)

Defense Acquisition Regulations Council (DARC)

Completed Actions

121. Government Support Contractor Access to Technical Data (DFARS Case 2009–D031)

Legal Authority: Pub. L. 111–84; 41 U.S.C. 1303

Abstract: DoD is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 821 of the National Defense Authorization Act for Fiscal Year 2010. Section 821 authorizes certain types of Government support contractors to have access to proprietary technical data belonging to prime contractors and other third parties, provided that the owner of the technical data may require the support contractor to sign a nondisclosure agreement. These nondisclosure agreements, having certain restrictions and legal or equitable remedies, protect the owner of the technical data against disclosure of confidential information. Additionally, this rule implements a third statutory exception to the prohibition on release of privately developed data outside the Government. This new statutory exception allows a ''covered Government support contractor'' access to, and use of, any technical data delivered under a contract for the sole purpose of furnishing independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of the program or effort to which such technical data relates.

The rule also provides a definition of ''covered Government support contractor'' as contractor under a contract, whose primary purpose is to furnish independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of a program or effort. A ''covered Government support contractor'' must meet certain criteria identified in the rule and provide certain assurances to the Government to protect the proprietary and nonpublic nature of the technical data furnished to the covered Government support contractor, to include signing a nondisclosure agreement.

The rule affects small businesses that are Government support contractors that need access to proprietary technical data belonging to prime contractors and other third parties. The impact of this rule on small business is not expected to be significant because the nondisclosure agreement is not likely to have a significant cost or administrative impact.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/02/11	76 FR 11363
Interim Final Rule Effective Date.	03/02/11	
Interim Final Rule Comment Period End.	05/02/11	
Final Action	05/22/13	78 FR 30233
Final Action Effective.	05/22/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Manuel Quinones, Department of Defense, Defense Acquisition Regulations Council, 4800 Mark Center Drive, Suite 15D07–2, Alexandria, VA 22350, *Phone:* 571 372–6088, *Email: manuel.quinones@osd.mil.*

RIN: 0750–AG95

122. Proposal Adequacy Checklist (DFARS Case 2011–D042)

Legal Authority: 41 U.S.C. 1303

Abstract: This rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to add a checklist for DoD contractors to complete under solicitations that require submission of certified cost or pricing data and the Contracting Officer chooses to use the associated provision. This rule supports one of DoD's Better Buying Power initiatives. The purpose of the Proposal Adequacy Checklist and associated solicitation provision is to ensure offerors submit thorough, accurate, and complete proposals. This rule is not expected to have a significant economic impact on small businesses.

Timetable:

Action	Date	FR Cite
NPRM	12/02/11	76 FR 75512
NPRM Comment Period End.	01/21/12	
Final Action	03/28/13	78 FR 18865

Action	Date	FR Cite
Final Action Effective.	03/28/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Manuel Quinones, Department of Defense, Defense Acquisition Regulations Council, 4800 Mark Center Drive, Suite 15D07–2, Alexandria, VA 22350, *Phone:* 571 372–6088, *Email: manuel.quinones@osd.mil.*

RIN: 0750–AH47

DEPARTMENT OF DEFENSE (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Final Rule Stage

123. TRICARE; Reimbursement of Sole Community Hospitals

Legal Authority: 5 U.S.C. 301; 10 U.S.C. ch 55

Abstract: This proposed rule would implement the statutory provision at 10 U.S.C. 1079(j)(2) that TRICARE payment methods for institutional care be determined, to the extent practicable, in accordance with the same reimbursement rules as those that apply to payments to providers of services of the same type under Medicare. This proposed rule implements a reimbursement methodology similar to that furnished to Medicare beneficiaries for inpatient services provided by Sole Community Hospitals (SCHs). It will be phased in over a several-year period.

Timetable:

Action	Date	FR Cite
NPRM	07/05/11	76 FR 39043
NPRM Comment Period End.	09/06/11	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marty Maxey, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301, *Phone:* 303 676–3627.

RIN: 0720–AB41

[FR Doc. 2013–17056 Filed 7–22–13; 8:45 am]

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FEDERAL REGISTER

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Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, Department of Education.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Secretary of Education publishes a semiannual agenda of Federal regulatory and deregulatory actions. The agenda is issued under the authority of section 4(b) of Executive Order 12866 ''Regulatory Planning and Review.'' The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about regulatory actions we plan to take.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the agency contact listed for the regulations. Other questions or comments on this agenda should be directed to LaTanya Cannady, Program Specialist, or Hilary Malawer, Deputy Assistant General Counsel, Division of Regulatory Services, Office of the General Counsel, Department of Education, Room 6C150, 400 Maryland Avenue SW., Washington, DC 20202–2241; telephone: (202) 401–9676 (LaTanya Cannady) or (202) 401–6148 (Hilary Malawer). Individuals who use a telecommunications device for the deaf (TDD) or a text telephone (TTY) may call the Federal Relay Service (FRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 4(b) of Executive Order 12866, dated September 30, 1993, requires the Department of Education (ED) to publish, at a time and in a manner specified by the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, an agenda of all regulations under development or review. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires ED to publish, in October and April of each year, a regulatory flexibility agenda.

The regulatory flexibility agenda may be combined with any other agenda that satisfies the statutory requirements (5 U.S.C. 605(a)). In compliance with the Executive order and the Regulatory Flexibility Act, the Secretary publishes this agenda.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation to any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract that includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at ED from whom a reader can obtain additional information regarding the planned action.

In accordance with ED's Principles for Regulating listed in its regulatory plan (78 FR 1361, published January 8, 2013), ED is committed to regulations that improve the quality and equality of services to its customers. ED will regulate only if absolutely necessary and then in the most flexible, most equitable, least burdensome way possible.

Interested members of the public are invited to comment on any of the items listed in this agenda that they believe are not consistent with the Principles for Regulating. Members of the public are also invited to comment on any uncompleted actions in this agenda that ED plans to review under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine their economic impact on small entities. ED has determined that none of the uncompleted actions in this agenda require review under section 610.

This publication does not impose any binding obligation on ED with regard to any specific item in the agenda. ED may elect not to pursue any of the regulatory actions listed here, and regulatory action in addition to the items listed is not precluded. Dates of future regulatory actions are subject to revision in subsequent agendas.

Electronic Access to This Document

The entire Unified Agenda is published electronically and is available online at *www.reginfo.gov.*

Philip Rosenfelt,

Deputy General Counsel, delegated the authority to perform the functions and duties of the General Counsel.

OFFICE OF POSTSECONDARY EDUCATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
124	150% Regulations	1840–AD13

OFFICE OF POSTSECONDARY EDUCATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
125	Federal Pell Grant Program	1840–AD11

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Final Rule Stage

124. 150% Regulations

Legal Authority: Pub. L. 112–141

Abstract: We are announcing interim final regulations to implement Public Law 112–141, which made changes to section 455 of the Higher Education Act of 1965, as amended (HEA). Specifically, we are regulating to implement the following: (1) a new borrower on or after July 1, 2013, becomes ineligible to receive additional Direct Subsidized Loans if the period during which the borrower has received such loans exceeds 150% of the published length of the borrower's educational program, and (2) interest on all Direct Subsidized Loans that were disbursed to such borrower on or after July 1, 2013, will accrue.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/13	78 FR 28954
Interim Final Rule Comment Period End.	07/01/13	
Final Rule	01/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nathan Arnold, Department of Education, Office of Postsecondary Education, Room 8084, 1990 K Street NW., Washington, DC 20006, *Phone:* 202 219–7134, *Email: nathan.arnold@ed.gov.*

RIN: 1840–AD13

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Completed Actions

125. Federal Pell Grant Program

Legal Authority: Pub. L. 112–10

Abstract: The final regulations amend part 690 to implement changes to the Higher Education Act of 1965, as amended (HEA). Specifically, the regulations are amended to reflect the changes in the HEA that eliminate student eligibility for two Pell Grants in an award year.

Completed:

Reason	Date	FR Cite
Interim Final Rule	05/02/12	77 FR 25893
Interim Final Rule Comment Period End.	06/18/12	
Final Action	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jacquelyn Butler, *Phone:* 202 502–7890, *Email: jacquelyn.butler@ed.gov.*

RIN: 1840–AD11

[FR Doc. 2013–17057 Filed 7–22–13; 8:45 am]

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FEDERAL REGISTER

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Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Semiannual Regulatory Agenda

AGENCY: Department of Energy.

ACTION: Notice of semiannual regulatory agenda.

SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda) pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act.

SUPPLEMENTARY INFORMATION: The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, and programmatic needs of DOE offices.

The Internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's entire spring 2013 Agenda can be accessed online by going to: *www.reginfo.gov.* Agenda entries reflect the status of activities as of approximately July 31, 2013.

Publication in the **Federal Register** is mandated by the Regulatory Flexibility Act (5 U.S.C. 602) only for Agenda entries that require either a regulatory flexibility analysis or periodic review under section 610 of that Act. DOE's regulatory flexibility agenda is made up of five rulemakings setting either energy efficiency standards or test procedures for the following products:

Battery chargers and external power supplies (energy efficiency standards)
Commercial Refrigeration Equipment (energy efficiency standards)
Distribution Transformers (energy efficiency standards)
Residential refrigerators, refrigerator-freezers, and freezers (test procedures)
Walk-in coolers and freezers (energy efficiency standards)

Signed in Washington, DC on June 26, 2013.

Gregory H. Woods,

General Counsel.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
126	Energy Conservation Standards for Walk-In Coolers and Walk-In Freezers	1904–AB86
127	Energy Conservation Standards for Commercial Refrigeration Equipment	1904–AC19
128	Test Procedures for Residential Refrigerators, Refrigerator-Freezers, and Freezers	1904–AC76

ENERGY EFFICIENCY AND RENEWABLE ENERGY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
129	Energy Efficiency Standards for Battery Chargers and External Power Supplies	1904–AB57

ENERGY EFFICIENCY AND RENEWABLE ENERGY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
130	Energy Efficiency Standards for Distribution Transformers	1904–AC04

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Proposed Rule Stage

126. Energy Conservation Standards for Walk–in Coolers and Walk-in Freezers

Legal Authority: 42 U.S.C. 6313(f)(4)

Abstract: The Energy Independence and Security Act of 2007 amendments to the Energy Policy and Conservation Act require that DOE establish maximum energy consumption levels for walk-in coolers and walk-in freezers and directs the Department of Energy to develop energy conservation standards that are technologically feasible and economically justified.

Timetable:

Action	Date	FR Cite
Notice: Public Meeting, Framework Document Availability.	01/06/09	74 FR 411
Notice: Public Meeting, Data Availability.	04/05/10	75 FR 17080
NPRM Comment Period Extended.	04/14/10	75 FR 19297
Comment Period End.	05/28/10	
NPRM	08/00/13	
Final Action	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Llenza, Office of Building Technologies Program, EE–2J, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 586–2192, *Email: charles.llenza@ee.doe.gov.*

RIN: 1904–AB86

127. Energy Conservation Standards for Commercial Refrigeration Equipment

Legal Authority: 42 U.S.C. 6313(c)(5)

Abstract: DOE is reviewing and updating energy conservation standards, as required by the Energy Policy and Conservation Act, to reflect technological advances. All amended standards must be technologically feasible and economically justified. As required by EPCA, DOE published previously a final rule establishing energy conservation standards for ice-cream freezers, self-contained

commercial refrigerators, freezers, and refrigerator-freezers without doors, for equipment manufactured after January 1, 2012. (74 FR 1092, Jan. 9, 2009) DOE is required to issue a final rule for this second review of energy conservation standards for commercial refrigeration equipment no later than January 1, 2013.

Timetable:

Action	Date	FR Cite
Notice: Public Meeting, Framework Document Availability.	05/06/10	75 FR 24824
Comment Period End.	06/07/10	
Notice: Public Meeting, Data Availability.	03/30/11	76 FR 17573
Comment Period End.	05/16/11	
NPRM	08/00/13	
Final Action	02/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Llenza, Office of Building Technologies Program, EE–2J, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 586–2192, *Email: charles.llenza@ee.doe.gov.*

RIN: 1904–AC19

128. Test Procedures for Residential Refrigerators, Refrigerator-Freezers, and Freezers

Legal Authority: 42 U.S.C. 6293(b)(2)

Abstract: DOE is conducting a rulemaking to amend the existing test procedures for residential refrigerators, refrigerator-freezers, and freezers in order to clarify a number of testing issues and to add a test for measuring ice maker energy use.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	
Final Action	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lucas Adin, Project Manager, EE–2J, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1317, *Email: lucas.adin@ee.doe.gov.*

RIN: 1904–AC76

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Final Rule Stage

129. Energy Efficiency Standards for Battery Chargers and External Power Supplies

Legal Authority: 42 U.S.C. 6295(u)

Abstract: In addition to the existing general definition of ''external power supply,'' the Energy Independence and Security Act of 2007 (EISA) defines a ''class A external power supply'' and sets efficiency standards for those products. EISA directs DOE to publish a final rule to determine whether the standards set for class A external power supplies should be amended. EISA also requires DOE to issue a final rule prescribing energy conservation standards for battery chargers, if technologically feasible and economically justified or to determine that no energy conservation standard is technically feasible and economically justified.

Timetable:

Action	Date	FR Cite
Notice: Public Meeting, Framework Document Availability.	06/04/09	74 FR 26816
Comment Period End.	07/20/09	
Notice: Public Meeting, Data Availability.	09/15/10	75 FR 56021
Comment Period End.	10/15/10	
Final Rule (Technical Amendment).	09/19/11	76 FR 57897
NPRM	03/27/12	77 FR 18478
Final Rule: Technical Amendment.	04/16/12	77 FR 22472
NPRM Comment Period End.	05/29/12	
NPRM Comment Period Reopened.	06/29/12	77 FR 38743
Reopened NPRM Comment Period End.	07/16/12	
Request for Information.	03/26/13	78 FR 18253
RFI Comment Period End.	05/28/13	
Final Action	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeremy Dommu, Office of Building Technologies Program, EE–2J, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 586–9870, *Email: jeremy.dommu@ee.doe.gov.*

RIN: 1904–AB57

Department of Energy (DOE)

Energy Efficiency and Renewable Energy (EE)

Completed Actions

130. Energy Efficiency Standards for Distribution Transformers

Legal Authority: 42 U.S.C. 6317(a); 42 U.S.C. 6313(a)(6)(C)

Abstract: The current distribution transformer efficiency standards for medium-voltage-transformers apply to transformers manufactured or imported on or after January 1, 2010, and to low-voltage, dry type transformers manufactured or imported on or after January 1, 2007. As a result of a settlement agreement, DOE agreed to conduct a review of the standards for liquid-immersed and medium-voltage dry-type distribution transformers to determine if, pursuant to EPCA, the standards for these products need to be amended. As a result of the review, DOE published in the **Federal Register** a notice of proposed rulemaking which included new proposed standards for these products as well as low-voltage, dry-type transformers. Under the settlement agreement, DOE is obligated to publish in the **Federal Register**, no later than October 1, 2012, a final rule including any amendments to the standards for liquid-immersed and medium-voltage dry-type distribution transformers.

Completed:

Reason	Date	FR Cite
Final Action	04/18/13	78 FR 23335
Final Action Effective.	06/17/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raba, *Phone:* 202 586–8654, *Email: jim.raba@ee.doe.gov.*

RIN: 1904–AC04

[FR Doc. 2013–17059 Filed 7–22–13; 8:45 am]

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Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

25 CFR Ch. V

42 CFR Chs. I–V

45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII

Regulatory Agenda

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Regulatory Flexibility Act of 1980 and Executive Order 12866 require the Department semiannually to issue an inventory of rulemaking actions under development to provide the public a summary of forthcoming regulatory actions. This information will help the public more effectively participate in the Department's regulatory activity, and the Department welcomes comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT: Jennifer M. Cannistra, Executive Secretary, Department of Health and Human Services, Washington, DC 20201.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is the Federal Government's principal agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services. This agenda presents the rulemaking activities that the Department expects to undertake in the foreseeable future to advance this mission. The agenda furthers several Departmental goals, including strengthening health care; advancing scientific knowledge and innovation; advancing the health, safety, and well-being of the American people; increasing efficiency, transparency, and accountability of HHS programs; and strengthening the nation's health and human services infrastructure and workforce.

The purpose of the agenda is to encourage more effective public participation in the regulatory process. HHS is currently furthering this goal by engaging in a Department-wide effort to identify ways to make the rulemaking process more accessible to the general public. This effort is in response to President Obama's January 18, 2011, Executive Order 13563, ''Improving Regulation and Regulatory Review,'' which requires ongoing retrospective review of current agency regulations and encourages federal agencies to develop balanced regulations through a process that ''allows for public participation and an open exchange of ideas.'' HHS's efforts include stakeholder outreach and continuing to update its main regulatory Web page (*http://www.HHS.gov/Regulations*) with information helpful to the public. For example, to encourage public participation, the Web page includes links to HHS rules currently open for public comment and provides a ''regulations toolkit'' with background information on regulations, the commenting process, and how the public can provide effective comments. HHS also actively encourages meaningful public participation in retrospective review and rulemaking through education and outreach (*http://www.HHS.gov/RetrospectiveReview*).

The rulemaking abstracts included in this paper issue of the **Federal Register** only cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department's complete Regulatory Agenda is accessible online at *http://www.RegInfo.gov.*

Dated: April 22, 2013.

Jennifer M. Cannistra,

Executive Secretary to the Department.

FOOD AND DRUG ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
1	Over-the-Counter (OTC) Drug Review—Sunscreen Products	0910–AF43
2	Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures **(Section 610 Review)**.	0910–AG14

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
3	Food Labeling; Revision of the Nutrition and Supplement Facts Labels	0910–AF22
4	Serving Sizes of Foods That Can Reasonably Be Consumed in One Eating Occasion; Dual Column Labeling; Updating, Modifying and Establishing Certain Reference Amounts Customarily Consumed.	0910–AF23
5	Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products	0910–AF31
6	Over-the-Counter (OTC) Drug Review—Internal Analgesic Products	0910–AF36
7	Over-the-Counter (OTC) Drug Review—Topical Antimicrobial Drug Products	0910–AF69
8	Laser Products; Proposed Amendment to Performance Standard	0910–AF87
9	Updated Standards for Labeling of Pet Food	0910–AG09
10	Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals.	0910–AG10
11	Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products	0910–AG12
12	Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products.	0910–AG18
13	Amendment to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals—Second Phase.	0910–AG20
14	Produce Safety Regulation	0910–AG35
15	Hazard Analysis and Risk-Based Preventive Controls	0910–AG36

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
16	"Tobacco Products" Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act.	0910–AG38
17	Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives	0910–AG59
18	Foreign Supplier Verification Program	0910–AG64
19	Amendments to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals—Components.	0910–AG70
20	Requirements for the Submission of Data Needed to Calculate User Fees for Manufacturers and Importers of Tobacco Products.	0910–AG81
21	Food Labeling: Serving Sizes; Reference Amount and Serving Size Declaration for Hard Candies and Breath Mints.	0910–AG82
22	Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products	0910–AG94
23	Veterinary Feed Directive	0910–AG95
24	Format and Content of Reports Intended to Demonstrate Substantial Equivalence	0910–AG96
25	Radiology Devices; Designation of Special Controls for the Computed Tomography X-Ray System	0910–AH03
26	Mammography Quality Standards Act; Regulatory Amendments	0910–AH04

FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
27	Content and Format of Labeling for Human Prescription Drugs and Biologics; Requirements for Pregnancy and Lactation Labeling.	0910–AF11
28	Infant Formula: Current Good Manufacturing Practices; Quality Control Procedures; Notification Requirements; Records and Reports; and Quality Factors.	0910–AF27
29	Over-the-Counter (OTC) Drug Review—Cough/Cold (Combination) Products	0910–AF33
30	Unique Device Identification	0910–AG31
31	Food Labeling: Calorie Labeling of Articles of Food Sold in Vending Machines	0910–AG56
32	Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments.	0910–AG57
33	Use of Certain Symbols in Labeling	0910–AG74
34	Food Labeling; Gluten-Free Labeling of Foods	0910–AG84

FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
35	Human Subject Protection; Acceptance of Data From Clinical Studies for Medical Devices	0910–AG48

FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
36	Food Labeling: Serving Sizes; Reference Amounts for Candies	0910–AG83

CENTERS FOR MEDICARE & MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
37	Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers (CMS–3178–P) **(Section 610 Review)**.	0938–AO91
38	Changes to the Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System for CY 2014 (CMS–1601–P).	0938–AR54
39	Revisions to Payment Policies Under the Physician Fee Schedule and Medicare Part B for CY 2014 (CMS–1600–P).	0938–AR56
40	Prospective Payment System for Federally Qualified Health Centers (FQHCs) (CMS–1443–P) **(Section 610 Review)**.	0938–AR62

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
41	Covered Outpatient Drugs (CMS–2345–F) **(Section 610 Review)**	0938–AQ41

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
42	Changes to the Hospital Inpatient and Long-Term Care Prospective Payment System for FY 2014 (CMS–1599–F).	0938–AR53

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
43	Transparency Reports and Reporting of Physician Ownership of Investment Interests (CMS–5060–F)	0938–AR33
44	Part B Inpatients Billings in Hospitals (CMS–1455–F)	0938–AR73

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Prerule Stage

1. Over-the-Counter (OTC) Drug Review—Sunscreen Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first of the future actions will address the safety of sunscreen active ingredients.

Timetable:

Action	Date	FR Cite
ANPRM (Sunscreen and Insect Repellent).	02/22/07	72 FR 7941
ANPRM Comment Period End.	05/23/07	
NPRM (UVA/UVB).	08/27/07	72 FR 49070
NPRM Comment Period End.	12/26/07	
Final Action (UVA/UVB).	06/17/11	76 FR 35620
NPRM (Effectiveness).	06/17/11	76 FR 35672
NPRM (Effectiveness) Comment Period End.	09/15/11	
ANPRM (Dosage Forms).	06/17/11	76 FR 35669
ANPRM (Dosage Forms) Comment Period End.	09/15/11	
ANPRM (Safety)	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Eng, Regulatory Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5487, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–2773, *Fax:* 301 796–9899, *Email: david.eng@fda.hhs.gov.*

RIN: 0910–AF43

2. Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures (Section 610 Review)

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 333; 21 U.S.C. 351 to 353; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381

Abstract: FDA is currently reviewing regulations promulgated under the Prescription Drug Marketing Act (PDMA). FDA is undertaking this review to determine whether the regulations should be changed or rescinded to minimize adverse impacts on a substantial number of small entities. FDA has extended again the completion date by 1 year and will complete the review by November 2013.

Timetable:

Action	Date	FR Cite
Begin Review of Current Regulation.	11/24/08	
End Review of Current Regulation.	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Muller, Office of Regulatory Policy, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6234, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3601, *Fax:* 301 847–8440, *Email: pdma610(c)review@fda.hhs.gov.*

RIN: 0910–AG14

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Proposed Rule Stage

3. Food Labeling; Revision of the Nutrition and Supplement Facts Labels

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA is proposing to amend the labeling regulations for conventional foods and dietary supplements to provide updated nutrition information on the label to assist consumers in maintaining healthy dietary practices. If finalized, this rule will modernize the nutrition information found on the Nutrition Facts label, as well as the format and appearance of the label.

Timetable:

Action	Date	FR Cite
ANPRM	07/11/03	68 FR 41507
ANPRM Comment Period End.	10/09/03	
Second ANPRM	04/04/05	70 FR 17008
Second ANPRM Comment Period End.	06/20/05	
Third ANPRM	11/02/07	72 FR 62149
Third ANPRM Comment Period End.	01/31/08	
NPRM	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blakeley Fitzpatrick, Interdisciplinary Scientist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–830), HFS–830, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1450, *Email: blakeley.fitzpatrick@fda.hhs.gov.*

RIN: 0910–AF22

4. Serving Sizes of Foods That Can Reasonably Be Consumed in One Eating Occasion; Dual Column Labeling; Updating, Modifying and Establishing Certain Reference Amounts Customarily Consumed

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA is proposing to amend its labeling regulations for foods to provide updated Reference Amounts Customarily Consumed (RACCs) for certain food categories. If finalized, this rule would provide consumers with nutrition information based on the amount of food that is customarily consumed, which would assist consumers in maintaining healthy dietary practices. In addition to updating certain RACCs, FDA is also considering amending the definition of single-serving containers and providing for dual-column labeling, which would provide nutrition information per serving and per container, for certain containers.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/05	70 FR 17010
ANPRM Comment Period End.	06/20/05	
NPRM	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cherisa Henderson, Nutritionist, Department of Health and Human Services, Food and Drug Administration, HFS–830, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 202 402–1450, *Fax:* 301 436–1191, *Email: cherisa.henderson@fda.hhs.gov.*

RIN: 0910–AF23

5. Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: FDA will be proposing a rule to add the common cold indication to certain over-the-counter (OTC) antihistamine active ingredients. This proposed rule is the result of collaboration under the U.S.-Canada Regulatory Cooperation Council (RCC) as part of efforts to reduce unnecessary duplication and differences. This pilot exercise will help determine the feasibility of developing an ongoing mechanism for alignment in review and adoption of OTC drug monograph elements.

Timetable:

Action	Date	FR Cite
Reopening of Administrative Record.	08/25/00	65 FR 51780
Comment Period End.	11/24/00	
NPRM (Amendment) (Common Cold).	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF31

6. Over-the-Counter (OTC) Drug Review—Internal Analgesic Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses acetaminophen safety. The second action addresses products marketed for children under 2 years old and weight- and age-based dosing for children's products.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Required Warnings and Other Labeling).	12/26/06	71 FR 77314
NPRM Comment Period End.	05/25/07	
Final Action (Required Warnings and Other Labeling).	04/29/09	74 FR 19385
Final Action (Correction).	06/30/09	74 FR 31177
Final Action (Technical Amendment).	11/25/09	74 FR 61512
NPRM (Amendment) (Acetaminophen).	12/00/13	
NPRM (Amendment) (Pediatric).	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF36

7. Over-the-Counter (OTC) Drug Review—Topical Antimicrobial Drug Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses antimicrobial agents in consumer hand wash products.

Timetable:

Action	Date	FR Cite
NPRM (Healthcare).	06/17/94	59 FR 31402
Comment Period End.	12/15/95	
NPRM (Consumer Hand Wash Products).	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Eng, Regulatory Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5487, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–2773, *Fax:* 301 796–9899, *Email: david.eng@fda.hhs.gov.*

RIN: 0910–AF69

8. Laser Products; Proposed Amendment to Performance Standard

Legal Authority: 21 U.S.C. 360hh to 360ss; 21 U.S.C. 371; 21 U.S.C. 393

Abstract: FDA is proposing to amend the performance standard for laser products to achieve closer harmonization between the current standard and the International Electrotechnical Commission (IEC) standard for laser products and medical laser products. The proposed amendment is intended to update FDA's

performance standard to reflect advancements in technology.

Timetable:

Action	Date	FR Cite
NPRM	06/24/13	78 FR 37723
NPRM Comment Period End.	09/23/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4438, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: nancy.pirt@fda.hhs.gov.*

RIN: 0910–AF87

9. Updated Standards for Labeling of Pet Food

Legal Authority: 21 U.S.C. 343; 21 U.S.C. 371; Pub. L. 110–85, sec 1002(a)(3)

Abstract: FDA is proposing updated standards for the labeling of pet food that include nutritional and ingredient information, as well as style and formatting standards. FDA is taking this action to provide pet owners and animal health professionals more complete and useful information about the nutrient content and ingredient composition of pet food products.

Timetable:

Action	Date	FR Cite
NPRM	04/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Burkholder, Veterinary Medical Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, Room 2642 (MPN–4, HFV–228), 7519 Standish Place, Rockville, MD 20855, *Phone:* 240 453–6865, *Email: william.burkholder@fda.hhs.gov.*

RIN: 0910–AG09

10. Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 350c; 21 U.S.C. 350d note; 21 U.S.C. 350g; 21 U.S.C. 350g note; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 264; 42 U.S.C. 243; 42 U.S.C. 271; . . .

Abstract: FDA is proposing regulations for preventive controls for animal food, including ingredients and mixed animal feed. This action is intended to provide greater assurance that food marketed for all animals, including pets, is safe.

Timetable:

Action	Date	FR Cite
NPRM	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Young, Deputy Director, Division of Compliance, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, Room 106 (MPN–4, HFV–230), 7519 Standish Place, Rockville, MD 20855, *Phone:* 240 276–9207, *Email: kim.young@fda.hhs.gov.*

RIN: 0910–AG10

11. Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action will propose changes to the final monograph to address safety and efficacy issues associated with pediatric cough and cold products.

Timetable:

Action	Date	FR Cite
NPRM	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AG12

12. Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This rule would require electronic package inserts for human drug and biological prescription products with limited exceptions, in lieu of paper, which is currently used. These inserts contain prescribing information intended for healthcare practitioners. This would ensure that the information accompanying the product is the most up-to-date information regarding important safety and efficacy issues about these products.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Norden, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6324, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–2500, *Email: janet.norden@fda.hhs.gov.*

RIN: 0910–AG18

13. Amendment to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals—Second Phase

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 355; 21 U.S.C. 360b; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: FDA will revise regulations for ''current good manufacturing practice'' for oversight and controls over the manufacture of drugs to ensure quality, including managing the risk of and establishing the safety of raw materials, materials used in the manufacturing of drugs, and finished drug products. This revision will update and harmonize requirements and improve detection and response to emerging product safety and quality signals.

Timetable:

Action	Date	FR Cite
NPRM	01/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paula Katz, Regulatory Counsel, Office of Compliance, Department of Health and Human Services, Food and Drug

Administration, Center for Drug Evaluation and Research, WO 51, Room 4314, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6972, *Fax:* 301 847–8742, *Email: paula.katz@fda.hhs.gov.*

RIN: 0910–AG20

14. Produce Safety Regulation

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 350h; 21 U.S.C. 371; 42 U.S.C. 264; Pub. L. 111–353 (signed on Jan. 4, 2011)

Abstract: FDA is proposing to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death. The purpose of the proposed rule is to reduce the risk of illness associated with fresh produce.

Timetable:

Action	Date	FR Cite
NPRM	01/16/13	78 FR 3503
NPRM Comment Period End.	05/16/13	
NPRM Comment Period Extended.	04/26/13	78 FR 24692
NPRM Comment Period Extended End.	09/16/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Samir Assar, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1636, *Email: samir.assar@fda.hhs.gov.*

RIN: 0910–AG35

15. Hazard Analysis and Risk-Based Preventive Controls

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 371; 42 U.S.C. 264; Pub. L. 111–353 (signed on Jan. 4, 2011)

Abstract: This proposed rule would require a food facility to have and implement preventive controls to significantly minimize or prevent the occurrence of hazards that could affect food manufactured, processed, packed, or held by the facility. This action is intended to prevent or, at a minimum, quickly identify foodborne pathogens before they get into the food supply.

Timetable:

Action	Date	FR Cite
NPRM	01/16/13	78 FR 3646
NPRM Comment Period Extended.	04/26/13	78 FR 24691
NPRM Comment Period End.	09/16/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jenny Scott, Senior Advisor, Department of Health and Human Services, Food and Drug Administration, Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1488, *Email: jenny.scott@fda.hhs.gov.*

RIN: 0910–AG36

16. ''Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act

Legal Authority: 21 U.S.C. 301 *et seq.,* The Federal Food, Drug, and Cosmetic Act; Pub. L. 111–31, The Family Smoking Prevention and Tobacco Control Act

Abstract: The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) provides the Food and Drug Administration (FDA) authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Tobacco Control Act, permits FDA to issue regulations deeming other tobacco products to be subject to the FD&C Act. This proposed rule would deem products meeting the statutory definition of ''tobacco product'' to be subject to the FD&C Act and would specify additional restrictions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: May Nelson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 9200 Corporate Boulevard, Rockville, MD 20850, *Phone:* 877 287–1373, *Fax:* 240 276–3904, *Email: may.nelson@fda.hhs.gov.*

RIN: 0910–AG38

17. Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives

Legal Authority: 21 U.S.C. 301 *et seq.,* 21 U.S.C. 387, The Family Smoking Prevention and Tobacco Control Act

Abstract: The Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act, requires the Food and Drug Administration to promulgate regulations that require the testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, that the agency determines should be tested to protect the public health.

Timetable:

Action	Date	FR Cite
NPRM	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol Drew, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 9200 Corporate Boulevard, Room 240 H, Rockville, MD 20850, *Phone:* 877 287–1373, *Fax:* 240 276–3904, *Email: carol.drew@fda.hhs.gov.*

RIN: 0910–AG59

18. Foreign Supplier Verification Program

Legal Authority: 21 U.S.C. 384a; title III, sec 301 of FDA Food Safety Modernization Act, Pub. L. 111–353, establishing sec 805 of the Federal Food, Drug, and Cosmetic Act (FD&C Act)

Abstract: FDA is proposing regulations that describe what a food importer must do to verify that its foreign suppliers produce food that is as safe as food produced in the United States. FDA is taking this action to improve the safety of food that is imported into the United States.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian L. Pendleton, Senior Policy Advisor, Department of Health and Human Services, Food and Drug Administration, Office of Policy, WO 32, Room 4245, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–4614, *Fax:* 301 847–8616, *Email: brian.pendleton@fda.hhs.gov.*

RIN: 0910–AG64

19. Amendments to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals—Components

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 355; 21 U.S.C. 360b; 21 U.S.C. 360bbb–7; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: FDA will revise regulations for ''current good manufacturing practice'' with regard to the control over components used in manufacturing finished pharmaceuticals.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Hasselbalch, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 4364, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3279, *Email: brian.hasselbalch@fda.hhs.gov.*

Paula Katz, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 1320, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6972, *Email: paula.katz@fda.hhs.gov.*

RIN: 0910–AG70

20. Requirements for the Submission of Data Needed To Calculate User Fees for Manufacturers and Importers of Tobacco Products

Legal Authority: 21 U.S.C. 371; 21 U.S.C. 387s; Pub. L. 111–31

Abstract: FDA is proposing to require manufacturers and importers of tobacco products to submit certain market share data to FDA. USDA currently collects such data, but its program sunsets at the end of September 2014 and USDA will cease collection of this information. FDA is taking this action so that it may continue to calculate market share percentages needed to compute user fees.

Timetable:

Action	Date	FR Cite
NPRM	05/31/13	78 FR 32581
NPRM Comment Period End.	08/14/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Annette L. Marthaler, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Room 340K, 9200 Corporate Boulevard, Rockville, MD 20850, *Phone:* 877 287–1373, *Fax:* 240 276–3904, *Email: annette.marthaler@fda.hhs.gov.*

RIN: 0910–AG81

21. Food Labeling: Serving Sizes; Reference Amount and Serving Size Declaration for Hard Candies and Breath Mints

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA is proposing to change the nutrition label serving size for breath mints to one unit. FDA is taking this action in response to a citizen petition that requested a serving size for breath mints that more accurately reflects the amount customarily consumed per eating occasion and comments received on an advance notice of proposed rulemaking published in 2005.

Timetable:

Action	Date	FR Cite
NPRM	12/30/97	62 FR 67775
NPRM Comment Period End.	03/16/98	
ANPRM	04/05/05	70 FR 17010
ANPRM Comment Period End.	06/20/05	
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Kantor, Nutritionist, Department of Health and Human Services, Food and Drug Administration, HFS–830, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1450, *Fax:* 301 436–1191, *Email: mark.kantor@fda.hhs.gov.*

RIN: 0910–AG82

22. • Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 371; 42 U.S.C. 262; . . .

Abstract: This proposed rule would amend the regulations regarding new drug applications (NDAs), abbreviated new drug applications (ANDAs), and biologics license applications (BLAs) to revise and clarify procedures for changes to the labeling of an approved drug to reflect certain types of newly acquired information in advance of FDA's review of such change. The proposed rule would describe the process by which information regarding a ''changes being effected'' (CBE) labeling supplement submitted by an NDA or ANDA holder would be made publicly available during FDA's review of the labeling change. The proposed rule also would clarify requirements for the NDA holder for the reference listed drug and all ANDA holders to submit conforming labeling revisions after FDA has taken an action on the NDA and/or ANDA holder's CBE labeling supplement. These proposed revisions to FDA's regulations would create parity between NDA holders and ANDA holders with respect to submission of CBE labeling supplements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice L. Weiner, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6304, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3601, *Fax:* 301 847–8440, *Email: janice.weiner@fda.hhs.gov.*

RIN: 0910–AG94

23. • Veterinary Feed Directive

Legal Authority: 21 U.S.C. 354; 21 U.S.C. 360b; 21 U.S.C. 360ccc; 21 U.S.C. 360ccc–1; 21 U.S.C. 371

Abstract: The Animal Drug Availability Act created a new category of products called veterinary feed directive drugs (VFD drugs). This rulemaking is intended to provide for the increased efficiency of the VFD program.

Timetable:

Action	Date	FR Cite
ANPRM	03/29/10	75 FR 15387
ANPRM Comment Period End.	06/28/10	
NPRM	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sharon Benz, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, MPN–4, Room 2648, HFV–220, 7529 Standish Place, Rockville, MD 20855, *Phone:* 240 453–6864, *Email: sharon.benz@fda.hhs.gov.*

RIN: 0910–AG95

24. • Format and Content of Reports Intended To Demonstrate Substantial Equivalence

Legal Authority: 21 U.S.C. 387e(j); 21 U.S.C. 387j(a); secs 905(j) and 910(a) of the Federal Food, Drug, and Cosmetic Act

Abstract: This regulation would establish the format and content of reports intended to demonstrate substantial equivalence and compliance with the FD&C Act (sections 905(j) and 910(a) of the FD&C Act). This regulation also would provide information as to how the Agency will review and act on these submissions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gerie Voss, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 9200 Corporate Boulevard, Rockville, MD 20850, *Phone:* 877 287–1373, *Fax:* 240 276–4193, *Email: gerie.voss@fda.hhs.gov.*

RIN: 0910–AG96

25. • Radiology Devices; Designation of Special Controls for the Computed Tomography X-Ray System

Legal Authority: 21 U.S.C. 360

Abstract: The proposed rule would establish special controls for the computed tomography (CT) x-ray system, a class II device as defined in 21 CFR 892.1750. A CT x-ray system is a diagnostic x-ray imaging system intended to produce cross-sectional images of the body through use of a computer to reconstruct an image from the same axial plane taken at different angles. High doses of ionizing radiation can cause acute (deterministic) effects such as burns, reddening of the skin, cataracts, hair loss, sterility, or, in extremely high doses, radiation poisoning. Therefore, the design of a CT x-ray system needs to balance the benefits of the device (i.e., the ability of the device to produce a diagnostic quality image) with the known risks (e.g., exposure to ionizing radiation). FDA is establishing special controls, combined with the general controls, to provide reasonable assurance of the safety and effectiveness of a class II CT x-ray system.

Timetable:

Action	Date	FR Cite
NPRM	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Blake, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4426, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: erica.blake@fda.hhs.gov.*

RIN: 0910–AH03

26. • Mammography Quality Standards Act; Regulatory Amendments

Legal Authority: 21 U.S.C. 360i; 21 U.S.C. 360nn; 21 U.S.C. 374(e); 42 U.S.C. 263b

Abstract: FDA is proposing to amend its regulations governing mammography. The amendments would update the regulations issued under the Mammography Quality Standards Act of 1992 (MQSA). FDA is taking this action to address changes in mammography technology and mammography processes, such as breast density reporting, that have occurred since the regulations were published in 1997.

Timetable:

Action	Date	FR Cite
NPRM	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4438, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: nancy.pirt@fda.hhs.gov.*

RIN: 0910–AH04

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Final Rule Stage

27. Content and Format of Labeling for Human Prescription Drugs and biologics; Requirements for Pregnancy and Lactation Labeling

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This final rule will amend the content and format of the ''Pregnancy,'' ''Labor and delivery,'' and ''Nursing mothers'' subsections of the ''Use in Specific Populations'' section of regulations regarding the labeling for human prescription drug and biological products (21 CFR 201.56 and 201.57) to better communicate risks.

Timetable:

Action	Date	FR Cite
NPRM	05/29/08	73 FR 30831
NPRM Comment Period End.	08/27/08	
Final Action	01/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Molly Flannery, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6246, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3543, *Email: molly.flannery@fda.hhs.gov.*

RIN: 0910–AF11

28. Infant Formula: Current Good Manufacturing Practices; Quality Control Procedures; Notification Requirements; Records and Reports; and Quality Factors

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 342; 21 U.S.C. 350a; 21 U.S.C. 371

Abstract: The Food and Drug Administration (FDA) is revising its infant formula regulations in 21 CFR parts 106 and 107 to establish requirements for current good manufacturing practices (CGMP), including audits; to establish requirements for quality factors; and to amend FDA's quality control procedures, notification, and record and reporting requirements for infant formula. FDA is taking this action to improve the protection of infants who consume infant formula products.

Timetable:

Action	Date	FR Cite
NPRM	07/09/96	61 FR 36154
NPRM Comment Period End.	12/06/96	
NPRM Comment Period Re-opened.	04/28/03	68 FR 22341
NPRM Comment Period Extended.	06/27/03	68 FR 38247
NPRM Comment Period End.	08/26/03	
NPRM Comment Period Re-opened.	08/01/06	71 FR 43392
NPRM Comment Period End.	09/15/06	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benson Silverman, Staff Director, Infant Formula and Medical Foods, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–850), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1459, *Email: benson.silverman@fda.hhs.gov.*

RIN: 0910–AF27

29. Over-the-Counter (OTC) Drug Review—Cough/Cold (Combination) Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses cough/cold drug products containing an oral bronchodilator (ephedrine and its salts) in combination with any expectorant or any oral nasal decongestant.

Timetable:

Action	Date	FR Cite
NPRM (Amendment).	07/13/05	70 FR 40232
NPRM Comment Period End.	11/10/05	
Final Action (Technical Amendment).	03/19/07	72 FR 12730
Final Action	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF33

30. Unique Device Identification

Legal Authority: 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 360; 21 U.S.C. 360h; 21 U.S.C. 360i; 21 U.S.C. 360j; 21 U.S.C. 360l; 21 U.S.C. 371

Abstract: FDA is issuing a final rule establishing a unique device identification system for medical devices. A unique device identification system would allow healthcare professionals and others to rapidly and precisely identify a device and obtain important information concerning the device and would reduce medical errors.

Timetable:

Action	Date	FR Cite
NPRM	07/10/12	77 FR 40735
NPRM Comment Period End.	11/07/12	
Second NPRM	11/19/12	77 FR 69393
Second NPRM Comment Period End.	12/19/13	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John J. Crowley, Senior Advisor for Patient Safety, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 2315, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 980–1936, *Email: jay.crowley@fda.hhs.gov.*

RIN: 0910–AG31

31. Food Labeling: Calorie Labeling of Articles of Food Sold in Vending Machines

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA published a proposed rule to establish requirements for nutrition labeling of certain food items sold in certain vending machines. FDA also proposed the terms and conditions for vending machine operators registering to voluntarily be subject to the requirements. FDA is issuing a final rule, and taking this action to carry out section 4205 of the Patient Protection and Affordable Care Act.

Timetable:

Action	Date	FR Cite
NPRM	04/06/11	76 FR 19238
NPRM Comment Period End.	07/05/11	
Final Action	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel Reese, Food Technologist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–820), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–2126, *Email: daniel.reese@fda.hhs.gov.*

RIN: 0910–AG56

32. Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA published a proposed rule in the **Federal Register** to establish requirements for nutrition labeling of standard menu items in chain restaurants and similar retail food establishments. FDA also proposed the terms and conditions for restaurants and similar retail food establishments registering to voluntarily be subject to the Federal requirements. FDA is issuing a final rule, and taking this action to carry out section 4205 of the Patient Protection and Affordable Care Act.

Timetable:

Action	Date	FR Cite
NPRM	04/06/11	76 FR 19192
NPRM Comment Period End.	07/05/11	
Final Action	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel Reese, Food Technologist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–820), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–2126, *Email: daniel.reese@fda.hhs.gov.*

RIN: 0910–AG57

33. Use of Certain Symbols in Labeling

Legal Authority: sec 502(c) of the Food Drug and Cosmetic Act (FD&C Act), 21 U.S.C. 352(c); sec 514(c) of FD&C Act, 21 U.S.C. 360d(c), enacted by the Food and Drug Modernization Act of 1997 (FDAMA)

Abstract: The purpose of this rule is to allow for the inclusion of certain stand-alone symbols contained in a standard that FDA recognizes, provided that such symbols are explained in a symbols glossary that contemporaneously accompanies the medical device.

Timetable:

Action	Date	FR Cite
NPRM	04/19/13	78 FR 23508
NPRM Comment Period End.	06/18/13	
Final Action	04/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Follette Story, Human Factors and Accessible Medical Technology Specialist, Department of Health and Human Services, Food and

Drug Administration, Center for Devices and Radiological Health, Room 2553, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–1456, *Email: molly.story@fda.hhs.gov.*

RIN: 0910–AG74

34. Food Labeling; Gluten-Free Labeling of Foods

Legal Authority: title II of Pub. L. 108–282; 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 343; 21 U.S.C. 348; 21 U.S.C. 371

Abstract: FDA is amending its regulations to define the term ''gluten-free'' for voluntary use in the labeling of foods. FDA is taking this action to assist persons who have celiac disease to more easily identify foods that they can eat while following a ''gluten-free'' diet.

Timetable:

Action	Date	FR Cite
NPRM	01/23/07	72 FR 2795
NPRM Comment Period End.	04/23/07	
NPRM Comment Period Re-opened.	08/03/11	76 FR 46671
NPRM Comment Period Re-opened End.	10/03/11	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Felicia Billingslea, Director, Food Labeling and Standard Staff, Department of Health and Human Services, Food and Drug Administration, Room 4D045, HFS 820, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1803, *Fax:* 301 436–2636, *Email: felicia.billingslea@fda.hhs.gov.*

RIN: 0910–AG84

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Long-Term Actions

35. Human Subject Protection; Acceptance of Data From Clinical Studies for Medical Devices

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 360; 21 U.S.C. 360c; 21 U.S.C. 360e; 21 U.S.C. 360i; 21 U.S.C. 360j; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 21 U.S.C. 393; 42 U.S.C. 264; 42 U.S.C. 271; . . .

Abstract: This rule will amend FDA's regulations on acceptance of data from clinical studies conducted in support of a premarket approval application, humanitarian device exemption application, an investigational device exemption application, or a premarket notification submission for a medical device.

Timetable:

Action	Date	FR Cite
NPRM	02/25/13	78 FR 12664
NPRM Comment Period End.	05/28/13	
Final Action	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sheila Anne Brown, Policy Analyst, Investigational Device Exemptions Staff, Department of Health and Human Services, Food and Drug Administration, WO 66, Room 1651, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6563, *Fax:* 301 847–8120, *Email: sheila.brown@fda.hhs.gov.*

RIN: 0910–AG48

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Completed Actions

36. Food Labeling: Serving Sizes; Reference Amounts for Candies

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA is proposing to change its serving size regulations to provide updated Reference Amounts Customarily Consumed for candies. FDA is taking this action in response to comments received on an advance notice of proposed rulemaking published in 2005. This RIN is being withdrawn from the Unified Agenda and merged with RIN 0910–AG82.

Timetable:

Action	Date	FR Cite
NPRM	01/08/98	63 FR 1078
NPRM Comment Period End.	02/09/98	
ANPRM	04/05/05	70 FR 17010
ANPRM Comment Period End.	06/20/05	
Withdrawn	03/11/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Kantor, Nutritionist, Department of Health and Human Services, Food and Drug Administration, HFS–830, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:*, 240 402–1450, *Fax:* 301 436–1191, *Email: mark.kantor@fda.hhs.gov.*

RIN: 0910–AG83

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Proposed Rule Stage

37. Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers (CMS–3178–P) (Section 610 Review)

Legal Authority: 42 U.S.C. 1821; 42 U.S.C. 1861 (ff) (3)(B)(i)(ii); 42 U.S.C. 1913 (c)(1) et al

Abstract: This rule proposes emergency preparedness requirements for Medicare and Medicaid participating providers and suppliers to ensure that they adequately plan for both natural and man-made disasters and coordinate with Federal, State, tribal, regional and local emergency preparedness systems. This rule would ensure providers and suppliers are adequately prepared to meet the needs of patients, residents, clients, and participants during disasters and emergency situations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Graham, Health Insurance Specialist, Clincal Standards Group, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clincial Standards and Quality, Mail Stop S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244–1850, *Phone:* 410 786–8020, *Email: janice.graham@cms.hhs.gov.*

RIN: 0938–AO91

38. Changes to the Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System for CY 2014 (CMS–1601–P)

Legal Authority: sec 1833 of the Social Security Act

Abstract: This proposed rule would revise the Medicare hospital outpatient prospective payment system to implement applicable statutory requirements and changes arising from our continuing experience with this system. The proposed rule also describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the Ambulatory Surgical Center Payment System list of services and rates.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marjorie Baldo, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare Management, Mail Stop C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4617, *Email: marjorie.baldo@cms.hhs.gov.*

RIN: 0938–AR54

39. Revisions to Payment Policies Under the Physician Fee Schedule and Medicare Part B for CY 2014 (CMS–1600–P)

Legal Authority: Social Security Act secs 1102, 1871, 1848

Abstract: This proposed rule would revise payment polices under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would be applicable to services furnished on or after January 1 annually.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Bryant, Deputy Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–01–27, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3448, *Email: kathy.bryant@cms.hhs.gov.*

RIN: 0938–AR56

40. Prospective Payment System for Federally Qualified Health Centers (FQHCS) (CMS–1443–P) (Section 610 Review)

Legal Authority: Pub. L. 111–148, sec 10501

Abstract: The Affordable Care Act amends the current Medicare FQHC payment policy by requiring the establishment of a new payment system, effective with cost reporting periods beginning on or after October 1, 2014. This rule proposes the establishment of the new prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sarah Harding, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–01–26, 7500 Security Boulevard, Windsor Mill, MD 21244, *Phone:* 410 786–4001, *Email: sarah.harding@cms.hhs.gov.*

RIN: 0938–AR62

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Final Rule Stage

41. Covered Outpatient Drugs (CMS–2345–F) (Section 610 Review)

Legal Authority: Pub. L. 111–48, secs 2501, 2503, 3301(d)(2); Pub. L. 111–152, sec 1206; Pub. L. 111–8, sec 221

Abstract: This final rule revises requirements pertaining to Medicaid reimbursement for covered outpatient drugs to implement provisions of the Affordable Care Act. This rule also revises other requirements related to covered outpatient drugs, including key aspects of Medicaid coverage, payment, and the drug rebate program.

Timetable:

Action	Date	FR Cite
NPRM	02/02/12	77 FR 5318
NPRM Comment Period End.	04/02/12	
Final Action	01/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Wendy Tuttle, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicaid and State Operations, Mail Stop S2–14–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–8690, *Email: wendy.tuttle@cms.hhs.gov.*

RIN: 0938–AQ41

42. Changes to the Hospital Inpatient and Long-Term Care Prospective Payment System for FY 2014 (CMS–1599–F)

Legal Authority: sec 1886(d) of the Social Security Act

Abstract: This annual rule revises the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This rule implements changes arising from our continuing experience with these systems.

Timetable:

Action	Date	FR Cite
NPRM	05/10/13	78 FR 27485
NPRM Comment Period End.	06/25/13	
Final Action	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roechel Kujawa, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–07–07, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9111, *Email: roechel.kujawa@cms.hhs.gov.*

RIN: 0938–AR53

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Completed Actions

43. Transparency Reports and Reporting of Physician Ownership of Investment Interests (CMS–5060–F)

Legal Authority: Pub. L. 111–148, sec 6002

Abstract: This final rule requires applicable manufacturers of drugs, devices, biologicals, or medical supplies covered by Medicare, Medicaid, or CHIP to annually report to the Secretary certain payments or transfers of value provided to physicians or teaching hospitals (covered recipients). In addition, applicable manufacturers and applicable group purchasing organizations (GPOs) are required to annually report certain physician ownership or investment interests.

Timetable:

Action	Date	FR Cite
NPRM	12/19/11	76 FR 78742
NPRM Comment Period End.	02/17/12	
Final Action	02/08/13	78 FR 9457

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Niall Brennan, Director, Policy and Data Analysis Group, Department of Health and Human Services, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 202 690–6627, *Email: niall.brennan@cms.hhs.gov.*

RIN: 0938–AR33

44. Part B Inpatients Billings in Hospitals (CMS–1455–F)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh; 42 U.S.C. 1395rr (b)(1)

Abstract: This final rule revises Medicare Part B billings policies when a Part A claim for a hospital inpatient admission is denied as not medically reasonable and necessary.

Timetable:

Action	Date	FR Cite
NPRM	03/18/13	78 FR 16632
NPRM Comment Period End.	05/17/13	
Merged With 0938–AR53.	04/23/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Twi Jackson, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–1159, *Email:* *twi.jackson@cms.hhs.gov.*

RIN: 0938–AR73

[FR Doc. 2013–17060 Filed 7–22–13; 8:45 am]

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Part IX

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC–RP–04–001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of current and projected rulemakings, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS's regulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments and inquiries on the agenda to the Regulatory Affairs Law Division, Office of the General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, Mail Stop 0485, Washington, DC 20528–0485.

Specific

Please direct specific comments and inquiries on individual regulatory actions identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980) and Executive Order 12866 ''Regulatory Planning and Review'' (Sept. 30, 1993) as incorporated in Executive Order 13563 ''Improving Regulation & Regulatory Review'' (Jan. 18, 2011), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. DHS's last semiannual regulatory agenda was published on January 8, 2013, at 78 FR 1586.

Beginning in fall 2007, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov*.

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agenda in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, ''a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. DHS's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the Internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: April 24, 2013.

Christina E. McDonald,

Associate General Counsel for Regulatory Affairs.

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
175	Ammonium Nitrate Security Program	1601–AA52

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
176	Administrative Appeals Office: Procedural Reforms To Improve Efficiency	1615–AB98

U.S. COAST GUARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
177	Outer Continental Shelf Activities	1625–AA18
178	Updates to Maritime Security	1625–AB38
179	Lifesaving Devices Uninspected Vessels Commercial Barges and Sailing Vessels **(Section 610 Review)**	1625–AB83

U.S. COAST GUARD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
180	Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978.	1625–AA16
181	Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System	1625–AA99
182	Transportation Worker Identification Credential (TWIC); Card Reader Requirements	1625–AB21
183	Nontank Vessel Response Plans and Other Vessel Response Plan Requirements	1625–AB27
184	Marine Vapor Control Systems	1625–AB37
185	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation	1625–AB85

U.S. COAST GUARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
186	Marine Transportation—Related Facility Response Plans for Hazardous Substances	1625–AA12
187	Tank Vessel Response Plans for Hazardous Substances	1625–AA13
188	Numbering of Undocumented Barges	1625–AA14
189	Inspection of Towing Vessels	1625–AB06
190	MARPOL Annex 1 Update	1625–AB57

U.S. CUSTOMS AND BORDER PROTECTION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
191	Importer Security Filing and Additional Carrier Requirements	1651–AA70

TRANSPORTATION SECURITY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
192	General Aviation Security and Other Aircraft Operator Security	1652–AA53

TRANSPORTATION SECURITY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
193	Aircraft Repair Station Security	1652–AA38

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
194	Standards To Prevent, Detect and Respond to Sexual Abuse and Assault in Confinement Facilities **(Section 610 Review)**.	1653–AA65

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Final Rule Stage

175. Ammonium Nitrate Security Program

Legal Authority: 2008 Consolidated Appropriations Act, sec 563, subtitle J—Secure Handling of Ammonium Nitrate, Pub. L. 110–161

Abstract: This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled ''Secure Handling of Ammonium Nitrate.'' The amendment requires the Department of Homeland Security to ''regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility. . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.''

Timetable:

Action	Date	FR Cite
ANPRM	10/29/08	73 FR 64280
Correction	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Final Rule	03/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, Office of the Secretary, Infrastructure Security Compliance Division (NPPD/ISCD), Mail Stop 0610, 245 Murray Lane SW., Arlington, VA 20598–0610, *Phone:* 703 235–5263, *Email:* *jon.m.maclaren@hq.dhs.gov.*

RIN: 1601–AA52

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Long-Term Actions

176. Administrative Appeals Office: Procedural Reforms To Improve Efficiency

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112

Abstract: This proposed rule revises the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services, and its Administrative Appeals Office. The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment of DHS and its components.

Timetable:

Action	Date	FR Cite
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William K. Renwick, Supervisory Citizenship and Immigration Appeals Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, Washington, DC 20529–2090, *Phone:* 703 224–4501, *Email: william.k.renwick@uscis.dhs.gov.*

RIN: 1615–AB98

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Proposed Rule Stage

177. Outer Continental Shelf Activities

Legal Authority: 43 U.S.C. 1333(d)(1); 43 U.S.C. 1348(c); 43 U.S.C. 1356; DHS Delegation No 0170.1

Abstract: The Coast Guard is the lead Federal agency for workplace safety and health on facilities and vessels engaged in the exploration for, or development, or production of, minerals on the Outer Continental Shelf (OCS), other than for matters generally related to drilling and production that are regulated by the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE). This project would revise the regulations on OCS activities by: (1) Adding new requirements, for OCS units for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; (2) adding standards for electrical and machinery installations in hazardous locations; (3) providing regulations for dynamic positioning systems; (4) providing for USCG acceptance and approval of specified classification society plan reviews, inspections, audits, and surveys; and (5) requiring foreign vessels engaged in OCS activities to comply with rules similar to those imposed on U.S. vessels similarly engaged. This project would affect the owners and operators of facilities and vessels engaged in offshore activities.

Timetable:

Action	Date	FR Cite
Request for Comments.	06/27/95	60 FR 33185
Comment Period End.	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended.	03/16/00	65 FR 14226
NPRM Comment Period Extended.	06/30/00	65 FR 40559
NPRM Comment Period End.	11/30/00	
Supplemental NPRM.	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dan Lawrence, Program Manager, CG–OES–2, Department of Homeland Security, U.S. Coast Guard, Commandant, 2100 Second Street SW., STOP 7126, Washington, DC 20593–7126, *Phone:* 202 372–1382, *Email: james.d.lawrence@uscg.mil.*

RIN: 1625–AA18

178. Updates to Maritime Security

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. ch 701; 50 U.S.C. 191 and 192; EO 12656; 3 CFR 1988 Comp p 585; 33 CFR 1.05–1; 33 CFR 6.04–11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Delegation No 0170.1

Abstract: The Coast Guard proposes certain additions, changes, and amendments to 33 CFR, subchapter H. Subchapter H is comprised of parts 101 through 106. Subchapter H implements the major provisions of the Maritime Transportation Security Act of 2002 (MTSA). This rulemaking is the first major revision to subchapter H. The proposed changes would further the goals of domestic compliance and international cooperation by incorporating requirements from legislation implemented since the original publication of these regulations, such as the Security and Accountability for Every (SAFE) Port Act of 2006, and including international standards such as STCW security training. This rulemaking has international interest because of the close relationship between subchapter H and the International Ship and Port Security Code (ISPS).

Timetable:

Action	Date	FR Cite
NPRM	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Loan O'Brien, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant, (CG–FAC–2), 2100 Second Street SW., STOP 7581, Washington, DC 20593–7581, *Phone:* 202 372–1133, *Email: loan.t.o'brien@uscg.mil.*

RIN: 1625–AB38

179. Lifesaving Devices Uninspected Vessels Commercial Barges and Sailing Vessels (Section 610 Review)

Legal Authority: Pub. L. 111–281; 33 U.S.C. 1903(b); 46 U.S.C. 3306; 46 U.S.C. 4102; 46 U.S.C. 4302; Department of Homeland Security Delegation No. 0170.1

Abstract: Section 619 of the 2010 Coast Guard Authorization Act, (Act) (Pub. L. 111–281) amends title 46, United States Code (U.S.C.) 4102(b), and directs the Coast Guard to regulate the installation, maintenance, and use of life preservers and other lifesaving devices for individuals on uninspected vessels. Currently, uninspected commercial barges not carrying passengers for hire are exempt from carriage requirements. This proposed rule would fulfill that statutory mandate by changing 46 CFR 25.25 and several associated tables to prescribe regulations requiring the installation, maintenance, and use of lifesaving devices to enhance the safety of persons working aboard these vessels.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Martin L. Jackson, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–ENG–4), 2100 2nd Street SW., STOP 7126, Washington, DC 20593–7126, *Phone:* 202 372–1391, *Email: martin.l.jackson@uscg.mil.*

RIN: 1625–AB83

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Final Rule Stage

180. Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978

Legal Authority: 46 U.S.C. 2103; 46 U.S.C. 71; 46 U.S.C. 73; DHS Delegation No. 0170.1

Abstract: The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for

Seafarers, 1978, in 1995 and 2010. The 1995 amendments came into force on February 1, 1997. This project implements those amendments by revising current rules to ensure that the United States complies with their requirements on: The training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. In addition, the Coast Guard has identified the need for additional changes to the interim rule issued in 1997. This project supports the Coast Guard's broad role and responsibility of maritime safety. It also supports the roles and responsibilities of the Coast Guard of reducing deaths and injuries of crew members on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. The Coast Guard published an NPRM on November 17, 2009, and Supplemental NPRM (SNPRM) on March 23, 2010.

At a June 2010 diplomatic conference, the IMO adopted additional amendments to the STCW convention which change the minimum training requirements for seafarers. In response to feedback and to the adoption of those amendments, the Coast Guard developed a second Supplemental NPRM to incorporate the 2010 Amendments into the 1990 interim rule.

Timetable:

Action	Date	FR Cite
Notice of Meeting	08/02/95	60 FR 39306
Supplemental NPRM Comment Period End.	09/29/95	
Notice of Inquiry ..	11/13/95	60 FR 56970
Comment Period End.	01/12/96	
NPRM	03/26/96	61 FR 13284
Notice of Public Meetings.	04/08/96	61 FR 15438
NPRM Comment Period End.	07/24/96	
Notice of Intent	02/04/97	62 FR 5197
Interim Final Rule	06/26/97	62 FR 34505
Interim Final Rule Effective.	07/28/97	
NPRM	11/17/09	74 FR 59353
NPRM Comment Period End.	02/16/10	
Supplemental NPRM.	03/23/10	75 FR 13715
Supplemental NPRM.	08/01/11	76 FR 45908
Public Meeting Notice.	08/02/11	76 FR 46217
Supplemental NPRM Comment Period End.	09/30/11	
Final Rule	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Gould, Project Manager, CG–OES–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7126, Washington, DC 20593–7126, *Phone:* 202 372–1409, *Email: mark.c.gould@uscg.mil.*

RIN: 1625–AA16

181. Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System

Legal Authority: 33 U.S.C. 1223; 33 U.S.C. 1225; 33 U.S.C. 1231; 46 U.S.C. 3716; 46 U.S.C. 8502 and ch 701; sec 102 of Pub. L. 107–295; EO 12234

Abstract: This rulemaking would expand the applicability for Notice of Arrival and Departure (NOAD) and Automatic Identification System (AIS) requirements. These expanded requirements would better enable the Coast Guard to correlate vessel AIS data with NOAD data, enhance our ability to identify and track vessels, detect anomalies, improve navigation safety, and heighten our overall maritime domain awareness.

The NOAD portion of this rulemaking could expand the applicability of the NOAD regulations by changing the minimum size of vessels covered below the current 300 gross tons, require a notice of departure when a vessel is departing for a foreign port or place, and mandate electronic submission of NOAD notices to the National Vessel Movement Center. The AIS portion of this rulemaking would expand current AIS carriage requirements for the population identified in the Safety of Life at Sea (SOLAS) Convention and the Marine Transportation Marine Transportation Security Act (MTSA) of 2002.

Timetable:

Action	Date	FR Cite
NPRM	12/16/08	73 FR 76295
Notice of Public Meeting.	01/21/09	74 FR 3534
Notice of Second Public Meeting.	03/02/09	74 FR 9071
NPRM Comment Period End.	04/15/09	
Notice of Second Public Meeting Comment Period End.	04/15/09	
Final Rule	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Michael D. Lendvay, Program Manager, Office of Commercial Vessel, Foreign and Offshore Vessel Activities Div. (CG–CVC–2), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7581, Washington, DC 20593–7581, *Phone:* 202 372–1218, *Email: michael.d.lendvay@uscg.mil.*

Jorge Arroyo, Project Manager, Office of Navigation Systems (CG–NAV–1), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7683, Washington, DC 20593–7683, *Phone:* 202 372–1563, *Email: jorge.arroyo@uscg.mil.*

RIN: 1625–AA99

182. Transportation Worker Identification Credential (TWIC); Card Reader Requirements

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. ch 701; 50 U.S.C. 191 and 192; EO 12656

Abstract: The Coast Guard is establishing electronic card reader requirements for maritime facilities and vessels to be used in combination with TSA's Transportation Worker Identification Credential. Congress enacted several statutory requirements within the Security and Accountability for Every (SAFE) Port Act of 2006 to guide regulations pertaining to TWIC readers, including the need to evaluate TSA's final pilot program report as part of the TWIC reader rulemaking. During the rulemaking process, we will take into account the final pilot data and the various conditions in which TWIC readers may be employed. For example, we will consider the types of vessels and facilities that will use TWIC readers, locations of secure and restricted areas, operational constraints, and need for accessibility. Recordkeeping requirements, amendments to security plans, and the requirement for data exchanges (i.e., Canceled Card List) between TSA and vessel or facility owners/operators will also be addressed in this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/09	74 FR 13360
Notice of Public Meeting.	04/15/09	74 FR 17444
ANPRM Comment Period End.	05/26/09	
Notice of Public Meeting Comment Period End.	05/26/09	
NPRM	03/22/13	78 FR 20558
NPRM Comment Period Extended.	05/10/13	78 FR 27335
NPRM Comment Period End.	05/22/13	
NPRM Comment Period Extended End.	06/20/13	

Action	Date	FR Cite
Final Rule	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Loan O'Brien, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant, (CG–FAC–2), 2100 Second Street SW., STOP 7581, Washington, DC 20593–7581, *Phone:* 202 372–1133, *Email: loan.t.o'brien@uscg.mil.*

RIN: 1625–AB21

183. Nontank Vessel Response Plans and Other Vessel Response Plan Requirements

Legal Authority: 3 U.S.C. 301 to 303; 33 U.S.C. 1223; 33 U.S.C. 1231; 33 U.S.C. 3121; 33 U.S.C. 1903; 33 U.S.C. 1908; 46 U.S.C. 6101

Abstract: This rulemaking would establish regulations requiring owners or operators of nontank vessels to prepare and submit oil spill response plans. The Federal Water Pollution Control Act defines nontank vessels as self-propelled vessels of 400 gross tons or greater that operate on the navigable waters of the United States, carry oil of any kind as fuel for main propulsion, and are not tank vessels. The NPRM proposed to specify the content of a response plan, and among other issues, address the requirement to plan for responding to a worst case discharge and a substantial threat of such a discharge. Additionally, the NPRM proposed to update International Shipboard Oil Pollution Emergency Plan (SOPEP) requirements that apply to certain nontank vessels and tank vessels. Finally, the NPRM proposed to require vessel owners and operators to submit their vessel response plan control number as part of the notice of arrival information. This project supports the Coast Guard's broad roles and responsibilities of maritime stewardship.

Timetable:

Action	Date	FR Cite
NPRM	08/31/09	74 FR 44970
Public Meeting	09/25/09	74 FR 48891
NPRM Comment Period End.	11/30/09	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mr. Timothy M. Brown, Project Manager, Office of Commercial Vessel Compliance (CG–CVC–1), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Stop 7581, Washington, DC 20593–7581, *Phone:* 202 372–2358, *Email: timothy.m.brown@uscg.mil.*

RIN: 1625–AB27

184. Marine Vapor Control Systems

Legal Authority: 33 U.S.C. 1225; 42 U.S.C. 7511b(f)(2); 46 U.S.C. 3703

Abstract: The Coast Guard proposes to revise the existing safety regulations for facility and vessel vapor control systems (VCSs). The proposed changes would make VCS requirements more compatible with new Federal and State environmental requirements, regulate industry advancements in VCS technology, and codify the standards in the design and operation of a VCS at a tank barge cleaning facility. These changes would increase the safety of operations by regulating the design, installation, and use of VCSs, but would not require the installation or use of the systems.

Timetable:

Action	Date	FR Cite
NPRM	10/21/10	75 FR 65151
NPRM Comment Period End.	04/21/11	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LT Jodi Min, Project Manager, CG–ENG–5, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7126, Washington, DC 20593–7126, *Phone:* 202 372–1422, *Email: jodi.j.min@uscg.mil.*

RIN: 1625–AB37

185. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation

Legal Authority: Pub. L. 111–281; title VI (Marine Safety)

Abstract: The Coast Guard is implementing those requirements of 2010 and 2012 legislation that pertain to uninspected commercial fishing industry vessels and that took effect upon enactment of the legislation but that, to be implemented, require amendments to Coast Guard regulations affecting those vessels. The applicability of the regulations is being changed, and new requirements are being added to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard maritime safety mission.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jack Kemerer, Project Manager, CG–CVC–43, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, *Phone:* 202 372–1249, *Email: jack.a.kemerer@uscg.mil.*

RIN: 1625–AB85

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Long-Term Actions

186. Marine Transportation-Related Facility Response Plans for Hazardous Substances

Legal Authority: 33 U.S.C. 1321(j); Pub. L. 101–380; Pub. L. 108–293

Abstract: This project would implement provisions of the Oil Pollution Act of 1990 (OPA 90) that require an owner or operator of a marine transportation-related facility transferring bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to marine transportation-related facilities that, because of their location, could cause harm to the environment by discharging a hazardous substance into or on the navigable waters or adjoining shoreline. A separate rulemaking, under RIN 1625–AA13, was developed in tandem with this rulemaking and addresses hazardous substances response plan requirements for tank vessels. This project supports the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship by reducing the consequence of pollution incidents.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/96	61 FR 20084
Notice of Public Hearings.	07/03/96	61 FR 34775
ANPRM Comment Period End.	09/03/96	
NPRM	03/31/00	65 FR 17416
NPRM Comment Period End.	06/29/00	
Notice To Reopen Comment Period.	02/17/11	76 FR 9276
Comment Period Reopen End.	05/18/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Raymond Martin, Systems Engineering Division (CG–

ENG–3), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7126, Washington, DC 20593–7126, *Phone:* 202 372–1384, *Email: raymond.w.martin@uscg.mil.*

RIN: 1625–AA12

187. Tank Vessel Response Plans for Hazardous Substances

Legal Authority: 33 U.S.C. 1231; 33 U.S.C. 1321(j); Pub. L. 101–380; Pub. L. 108–293

Abstract: This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a tank vessel carrying bulk hazardous substances to develop and submit to the Coast Guard a response plan and operate in accordance with an approved response plan. The regulations would apply to vessels operating on the navigable waters or within the Exclusive Economic Zone (EEZ) of the United States that carry bulk hazardous substances. Additionally, this project would update shipboard marine pollution emergency plans for noxious liquid substance (SMPEP–NLS) requirements that apply to certain nontank vessels and tank vessels. A separate rulemaking, under RIN 1625–AA12, would address hazardous substances response plan requirements for marine transportation-related facilities. This project supports the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship by reducing the consequences of pollution incidents.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/96	61 FR 20084
Notice of Public Hearings.	07/03/96	61 FR 34775
ANPRM Comment Period End.	09/03/96	
NPRM	03/22/99	64 FR 13734
Notice of Public Hearing.	06/15/99	64 FR 31994
NPRM Comment Period Extended.	06/15/99	
NPRM Comment Period End.	06/21/99	
NPRM Extended Comment Period End.	08/30/99	
Notice To Reopen Comment Period.	02/17/11	76 FR 9276
Comment Period End.	05/18/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Raymond Martin, Systems Engineering Division (CG–ENG–3), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7126, Washington, DC 20593–7126, *Phone:* 202 372–1384, *Email: raymond.w.martin@uscg.mil.*

RIN: 1625–AA13

188. Numbering of Undocumented Barges

Legal Authority: 46 U.S.C. 12301

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned. This rulemaking supports the Coast Guard's broad role and responsibility of maritime stewardship.

Timetable:

Action	Date	FR Cite
Request for Comments.	10/18/94	59 FR 52646
Comment Period End.	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End.	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End.	04/11/01	
NPRM Reopening of Comment Period.	08/12/04	69 FR 49844
NPRM Reopening Comment Period End.	11/10/04	
Supplemental NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Denise Harmon, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419, *Phone:* 304 271–2506, *Email: denise.e.harmon@uscg.mil.*

RIN: 1625–AA14

189. Inspection of Towing Vessels

Legal Authority: 46 U.S.C. 3103; 46 U.S.C. 3301; 46 U.S.C. 3306; 46 U.S.C. 3308; 46 U.S.C. 3316; 46 U.S.C. 3703; 46 U.S.C. 8104; 46 U.S.C. 8904; DHS Delegation No 0170.1

Abstract: This rulemaking would implement a program of inspection for certification of towing vessels, which were previously uninspected. It would prescribe standards for safety management systems and third-party auditors and surveyors, along with standards for construction, operation, vessel systems, safety equipment, and recordkeeping.

Timetable:

Action	Date	FR Cite
NPRM	08/11/11	76 FR 49976
Notice of Public Meetings.	09/09/11	76 FR 55847
NPRM Comment Period End.	12/09/11	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patrick Mannion, Project Manager, CG–OES2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7126, Washington, DC 20593–7126, *Phone:* 202 372–1439, *Email: patrick.j.mannion@uscg.mil.*

RIN: 1625–AB06

190. Marpol Annex 1 Update

Legal Authority: 33 U.S.C. 1902; 46 U.S.C. 3306

Abstract: In this rulemaking, the Coast Guard would amend the regulations in subchapter O (Pollution) of title 33 of the CFR, including regulations on vessels carrying oil, oil pollution prevention, oil transfer operations, and rules for marine environmental protection regarding oil tank vessels, to reflect changes to international oil pollution standards adopted since 2004. Additionally, this regulation would update shipping regulations in title 46 to require Material Safety Data Sheets, in accordance with international agreements, to protect the safety of mariners at sea.

Timetable:

Action	Date	FR Cite
NPRM	04/09/12	77 FR 21360
NPRM Comment Period End.	07/26/12	
Comment Period Extended.	09/07/12	77 FR 43741
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR William Nabach, Project Manager, Office of Design & Engineering Standards, CG–OES–2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7126, Washington, DC 20593–7126, *Phone:* 202 372–1386, *Email: william.a.nabach@uscg.mil.*

RIN: 1625–AB57

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Final Rule Stage

191. Importer Security Filing and Additional Carrier Requirements

Legal Authority: Pub. L. 109–347, sec 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 to 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 note; 46 U.S.C. 60105

Abstract: This interim final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. It amended CBP Regulations to require carriers and importers to provide to CBP, via a CBP-approved electronic data interchange system, information necessary to enable CBP to identify high-risk shipments to prevent smuggling and insure cargo safety and security. Under the rule, importers and carriers must submit specified information to CBP before the cargo is brought into the United States by vessel. This advance information improves CBP's risk assessment and targeting capabilities, assists CBP in increasing the security of the global trading system, and facilitates the prompt release of legitimate cargo following its arrival in the United States. The interim final rule requested comments on those required data elements for which CBP provided certain flexibilities for compliance and on the revised costs and benefits and Regulatory Flexibility Analysis. CBP plans to issue a final rule after CBP completes a structured review of the flexibilities and analyzes the comments.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End.	03/03/08	
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period End.	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective.	01/26/09	
Interim Final Rule Comment Period End.	06/01/09	
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	02/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Craig Clark, Program Manager, Vessel Manifest & Importer Security Filing, Office of Cargo and Conveyance Security, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–3052, *Email: craig.clark@cbp.dhs.gov*.

RIN: 1651–AA70

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Proposed Rule Stage

192. General Aviation Security and Other Aircraft Operator Security

Legal Authority: 6 U.S.C. 469; 18 U.S.C. 842; 18 U.S.C. 845; 46 U.S.C. 70102 to 70106; 46 U.S.C. 70117; 49 U.S.C. 114; 49 U.S.C. 114(f)(3); 49 U.S.C. 5103; 49 U.S.C. 5103a; 49 U.S.C. 40113; 49 U.S.C. 44901 to 44907; 49 U.S.C. 44913 to 44914; 49 U.S.C. 44916 to 44918; 49 U.S.C. 44932; 49 U.S.C. 44935 to 44936; 49 U.S.C. 44942; 49 U.S.C. 46105

Abstract: On October 30, 2008 (73 FR 64790), the Transportation Security Administration (TSA) issued a Notice of Proposed Rulemaking (NPRM), proposing to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements, and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA also proposed that all aircraft operations, including corporate and private charter operations, with aircraft having a maximum certificated takeoff weight (MTOW) above 12,500 pounds (large aircraft) be required to adopt a large aircraft security program. TSA also proposed to require certain airports that serve large aircraft to adopt security programs.

After considering comments received on the NPRM and sponsoring public meetings with stakeholders, TSA decided to revise the original proposal to tailor security requirements to the general aviation industry. TSA is preparing a supplemental NPRM (SNPRM), which will include a comment period for public comments. TSA is considering the following proposed provisions in the SNPRM: (1) The type of aircraft subject to TSA regulation; (2) compliance oversight; (3) watch list matching of passengers; (4) prohibited items; (5) scope of the background check requirements and the procedures used to implement the requirement; and (6) other issues. Additionally, in the SNPRM, TSA plans to propose security measures for foreign aircraft operators commensurate with measures for U.S. operators.

Timetable:

Action	Date	FR Cite
NPRM	10/30/08	73 FR 64790
NPRM Comment Period End.	12/29/08	
Notice—NPRM Comment Period Extended.	11/25/08	73 FR 71590
NPRM Extended Comment Period End.	02/27/09	
Notice—Public Meetings; Requests for Comments.	12/18/08	73 FR 77045
Supplemental NPRM.	02/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kerwin Wilson, Acting Assistant General Manager, General Aviation Security, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, TSA–28, HQ, E, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–3788, *Email: kerwin.wilson@tsa.dhs.gov*.

Monica Grasso Ph.D., Director, Economic Analysis Branch, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, TSA–28, HQ, E10–416N, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–3329, *Email: monica.grasso@tsa.dhs.gov*.

Denise Daniels, Attorney, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–127S, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3443, *Fax:* 571 227–1381, *Email: denise.daniels@tsa.dhs.gov*.

RIN: 1652–AA53

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Final Rule Stage

193. Aircraft Repair Station Security

Legal Authority: 49 U.S.C. 114; 49 U.S.C. 44924

Abstract: The Transportation Security Administration (TSA) proposed to add a new regulation to improve the security of domestic and foreign aircraft repair

stations, as required by the section 611 of Vision 100—Century of Aviation Reauthorization Act and section 1616 of the 9/11 Commission Act of 2007. The regulation proposed general requirements for security programs to be adopted and implemented by certain repair stations certificated by the Federal Aviation Administration (FAA). A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on November 18, 2009, requesting public comments to be submitted by January 19, 2010. The comment period was extended to February 19, 2010, at the request of the stakeholders to allow the aviation industry and other interested entities and individuals additional time to complete their comments.

TSA has coordinated its efforts with the FAA throughout the rulemaking process to ensure that the final rule does not interfere with FAA's ability or authority to regulate part 145 repair station safety matters.

Timetable:

Action	Date	FR Cite
Notice—Public Meeting; Request for Comments.	02/24/04	69 FR 8357
Report to Congress.	08/24/04	
NPRM	11/18/09	74 FR 59873
NPRM Comment Period End.	01/19/10	
NPRM Comment Period Extended.	12/29/09	74 FR 68774
NPRM Extended Comment Period End.	02/19/10	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shawn Gallagher, Regional Security Inspector, Compliance Programs, Repair Stations, Department of Homeland Security, Transportation Security Administration, Office of Security Operations, TSA–29, HQ, E5–312N, 601 South 12th Street, Arlington, VA 20598–6029, *Phone:* 571 227–4005, *Email: shawn.gallagher@tsa.dhs.gov*.

Monica Grasso Ph.D., Director, Economic Analysis Branch, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, TSA–28, HQ, E10–416N, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–3329, *Email: monica.grasso@tsa.dhs.gov*.

Linda L. Kent, Assistant Chief Counsel, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–126S, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–2675, *Fax:* 571 227–1381, *Email: linda.kent@tsa.dhs.gov*.

RIN: 1652–AA38

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Immigration and Customs Enforcement (USICE)

Final Rule Stage

194. Standards To Prevent, Detect and Respond To Sexual Abuse and Assault in Confinement Facilities (Section 610 Review)

Legal Authority: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1103; 8 U.S.C. 1182; . . .

Abstract: The Department of Homeland Security (DHS) proposes to issue final regulations setting detention standards to prevent, detect, and respond to sexual abuse and assault in DHS confinement facilities. These regulations address and respond to public comments received on the notice of proposed rulemaking published December 19, 2012, at 77 FR 75300.

Timetable:

Action	Date	FR Cite
NPRM	12/19/12	77 FR 75300
NPRM Comment Period Extended.	02/07/13	78 FR 8987
NPRM Comment Period End.	02/19/13	
NPRM Extended Comment Period End.	02/26/13	
Final Action	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexander Hartman, Regulatory Coordinator, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW., Washington, DC 20536, *Phone:* 202 732–6202, *Email: alexander.hartman@ice.dhs.gov*.

RIN: 1653–AA65

[FR Doc. 2013–17061 Filed 7–22–13; 8:45 am]

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Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between spring 2013 and spring 2014. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: You should direct all comments and inquiries with regard to these rules to the appropriate agency contact. You should direct general comments relating to the agenda to the Office of Executive Secretariat, Department of the Interior, at the address above or at 202–208–5257 or 202–208–3071.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects.

Mark Lawyer,

Federal Register Liaison Officer.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
195	Production Safety Systems and Lifecycle Analysis	1014–AA10

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
196	Blowout Prevention Systems	1014–AA11

UNITED STATES FISH AND WILDLIFE SERVICE—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
197	National Wildlife Refuge System; Oil and Gas Regulations	1018–AX36

UNITED STATES FISH AND WILDLIFE SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
198	Injurious Wildlife Evaluation; Constrictor Species From Python, Boa, and Eunectes Genera	1018–AV68

NATIONAL PARK SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
199	Non-Federal Oil and Gas Rights	1024–AD78

NATIONAL PARK SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
200	Winter Use—Yellowstone National Park	1024–AE10

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
201	Stream Protection Rule	1029–AC63

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Proposed Rule Stage

195. Production Safety Systems and Lifecycle Analysis

Legal Authority: 31 U.S.C. 9701; 43 U.S.C. 1334

Abstract: This proposed rule would amend and update the regulations regarding oil and natural gas production. This rewrite of subpart H regulations would address issues such as production safety systems, subsurface safety devices, and safety device testing. The rule has been expanded to differentiate the requirements for operating dry tree and wet tree production systems on the Outer Continental Shelf (OCS). This rule would also propose an expanded use of lifecycle analysis of critical equipment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	
Final Action	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy White, Chief, Regulations and Standards Branch, Department of the Interior, 381 Elden Street, Herndon, VA 20170, *Phone:* 703 787–1665, *Fax:* 703 787–1555, *Email: amy.white@bsee.gov*.

RIN: 1014–AA10

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Long-Term Actions

196. Blowout Prevention Systems

Legal Authority: 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334

Abstract: This proposed rule would revise regulations related to blowout preventers (BOPs). BSEE regulations for BOPs currently consist of: (1) Field pressure and functions tests, (2) performance statements related to BOP capabilities, and (3) several industry practices related to inspection and maintenance. The industry has developed new standards for BOP design and testing that contain significant improvements to existing documents. By incorporating these new requirements into regulations and other supplemental requirements, the regulatory oversight over this critical equipment will be increased.

Timetable:

Action	Date	FR Cite
NPRM	10/00/14	
Final Action	10/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy White, Chief, Regulations and Standards Branch, Department of the Interior, 381 Elden Street, Herndon, VA 20170, *Phone:* 703 787–1665, *Fax:* 703 787–1555, *Email: amy.white@bsee.gov.*

RIN: 1014–AA11

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Prerule Stage

197. National Wildlife Refuge System; Oil and Gas Regulations

Legal Authority: 16 U.S.C. 668dd–ee; 42 U.S.C. 7401 *et seq.;* 16 U.S.C. 1131 to 1136; 40 CFR 51.300 to 51.309

Abstract: We propose regulations that ensure that all operators conducting oil or gas operations within a National Wildlife Refuge System unit do so in a manner as to prevent or minimize damage to National Wildlife Refuge System resources, visitor values, and management objectives. FWS does not intend these regulations to result in a taking of a property interest, but rather to impose reasonable controls on operations that affect federally owned or controlled lands and/or waters.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Covington, Refuge Energy Program Coordinator, Department of the Interior, United States Fish and Wildlife Service, National Wildlife Refuge System, 4401 North Fairfax Drive, Arlington, VA 22203, *Phone:* 703 358ndash;2427, *Email: scott_covington@fws.gov.*

Paul Steblein, Refuge Program Specialist, Department of the Interior, United States Fish and Wildlife Service, Suite 670, 4401 North Fairfax Drive, Arlington, VA 22203, *Phone:* 703 358–2678, *Fax:* 703 358–1929, *Email: paul_steblein@fws.gov.*

RIN: 1018–AX36

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Long-Term Actions

198. Injurious Wildlife Evaluation; Constrictor Species From Python, Boa, and Eunectes Genera

Legal Authority: 18 U.S.C. 42

Abstract: We are making a final determination to list four species of large constrictor snakes as injurious wildlife under the Lacey Act: Reticulated python, DeSchauensee's anaconda, green anaconda, and Beni anaconda. The boa constrictor is still under consideration for listing.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/08	73 FR 5784
ANPRM Comment Period End.	04/30/08	
NPRM	03/12/10	75 FR 11808
NPRM Comment Period End.	05/11/10	
NPRM Comment Period Re-opened.	07/01/10	75 FR 38069
NPRM Comment Period End.	08/02/10	
Final Action	01/23/12	77 FR 3330
Final Action Effective.	03/23/12	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mike Weimer, Chief, Division of Fisheries and Aquatic Resource Conservation, Department of the Interior, United States Fish and Wildlife Service, Suite 700E, 4401 North Fairfax Drive, Arlington, VA 22203,

Phone: 703 358–2279, *Email: mike_weimer@fws.gov.*

RIN: 1018–AV68

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Proposed Rule Stage

199. Non-Federal Oil and Gas Rights

Legal Authority: 16 U.S.C. 1 *et seq.;* 16 U.S.C. 1901 *et seq.*

Abstract: This rule would accommodate new technology and industry practices, eliminate regulatory exemptions, update requirements, remove caps on bond amounts, and allow NPS to recover administrative costs. The changes make the regulations more effective and efficient and maintain the highest level of protection compatible with park resources and values.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/09	74 FR 61596
ANPRM Comment Period End.	01/25/10	
NPRM	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ed Kassman, Regulatory Specialist, Department of the Interior, National Park Service, 12795 West Alameda Parkway, Lakewood, CA 80225, *Phone:* 303 969–2146, *Email: edward_kassman@nps.gov.*

RIN: 1024–AD78

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Completed Actions

200. Winter Use—Yellowstone National Park

Legal Authority: 16 U.S.C. 1; 16 U.S.C. 3; 16 U.S.C. 9a

Abstract: The park has managed winter use with an interim rule that only authorized snowmobile and snowcoach use through the end of the 2011–2012 winter season. This new rule would extend the interim regulations for one more year in order to allow the National Park Service time to develop a long-term regulation.

Completed:

Reason	Date	FR Cite
Final Action	12/12/12	77 FR 73919

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Russ Wilson, *Phone:* 202 208–4206, *Email: russ_wilson@nps.gov.*

RIN: 1024–AE10

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Long-Term Actions

201. Stream Protection Rule

Legal Authority: 30 U.S.C. 1201 *et seq.*

Abstract: On August 12, 2009, the U.S. District Court for the District of Columbia denied the Government's request that the court vacate and remand the Excess Spoil/Stream Buffer Zone rule published on December 12, 2008. Therefore, the Department intends to initiate notice and comment rulemaking to address issues arising from previous rulemakings. The agency also intends to prepare a new environmental impact statement.

Timetable:

Action	Date	FR Cite
ANPRM	11/30/09	74 FR 62664
ANPRM Comment Period End.	12/30/09	
NPRM	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dennis Rice, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, *Phone:* 202 208–2829, *Email: drice@osmre.gov.*

RIN: 1029–AC63

[FR Doc. 2013–17062 Filed 7–22–13; 8:45 am]

BILLING CODE 4310–05–P

FEDERAL REGISTER

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Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I, V

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its spring 2013 regulatory agenda pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514–8059.

SUPPLEMENTARY INFORMATION: Beginning with the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Dated: May 10, 2013.

Elana Tyrangiel,

Acting Assistant Attorney General, Office of Legal Policy.

DRUG ENFORCEMENT ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
202	Disposal of Controlled Substances	1117–AB18

DEPARTMENT OF JUSTICE (DOJ)

Drug Enforcement Administration (DEA)

Final Rule Stage

202. Disposal of Controlled Substances

Legal Authority: 21 U.S.C. 821; 21 U.S.C. 822; 21 U.S.C. 823; 21 U.S.C. 827; 21 U.S.C. 828; 21 U.S.C. 871; 21 U.S.C. 958

Abstract: The Drug Enforcement Administration (DEA) would finalize requirements to govern the secure disposal of controlled substances by both DEA registrants and ultimate users. This final rule would implement the Secure and Responsible Drug Disposal Act of 2010 by providing ultimate users, long-term care facilities, and other nonregistrants safe and convenient options to transfer controlled substances for the purpose of disposal. The rule would also reorganize and consolidate existing regulations on disposal, including the role of reverse distributors, and establish a comprehensive regulatory framework for the collection and destruction of controlled substances consistent with the Controlled Substances Act.

Timetable:

Action	Date	FR Cite
ANPRM	01/21/09	74 FR 3480
ANPRM Comment Period End.	03/23/09	
Notice of Public Meeting.	12/22/10	75 FR 80536
NPRM	12/21/12	77 FR 75784
NPRM Comment Period End.	02/19/13	
Final Action	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John W. Partridge, Executive Assistant, Department of Justice, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152, *Phone:* 202 307–7165.

RIN: 1117–AB18

[FR Doc. 2013–17063 Filed 7–22–13; 8:45 am]

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FEDERAL REGISTER

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Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a Regulatory Flexibility Agenda in the **Federal Register**. This **Federal Register** Notice contains the Regulatory Flexibility Agenda. In addition, the Department's Regulatory Plan, a subset of the Department's regulatory agenda, is being published in the **Federal Register**. The Regulatory Plan contains a statement of the Department's regulatory priorities and the regulatory actions the Department wants to highlight as its most important and significant.

FOR FURTHER INFORMATION CONTACT: Kathleen Franks, Director, Office of Regulatory Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–2312, Washington, DC 20210; (202) 693–5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at *www.reginfo.gov.*

On January 18, 2011, the President issued Executive Order (E.O.) 13563, titled Improving Regulation and Regulatory Review. The Department of Labor's fall 2011 Regulatory Agenda aims to achieve more efficient and less burdensome regulation through our renewed commitment to conduct retrospective reviews of regulations.

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a Regulatory Flexibility Agenda. The Department's Regulatory Flexibility Agenda published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the Regulatory Flexibility Agenda is a subset of the Department's semiannual regulatory agenda. At this time, there is only one item, listed below, on the Department's Regulatory Flexibility Agenda.

Occupational Safety and Health Administration

Bloodborne Pathogens (RIN 1218–AC34)

In addition, the Department's Regulatory Plan, also a subset of the Department's regulatory agenda, is being published in the **Federal Register**. The Regulatory Plan contains a statement of the Department's regulatory priorities and the regulatory actions the Department wants to highlight as its most important and significant.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

Seth D. Harris,

Acting Secretary of Labor.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
203	Ex Parte Cease and Desist and Summary Seizure Orders Under ERISA Section 521	1210–AB48
204	Filings Required of Multiple Employer Welfare Arrangements and Certain Other Entities That Offer or Provide Coverage for Medical Care to the Employees of Two or More Employers.	1210–AB51

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
205	Bloodborne Pathogens **(Section 610 Review)**	1218–AC34
206	Definition and Requirements for a Nationally Recognized Testing Laboratory **(Section 610 Review)**	1218–AC83

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
207	Occupational Exposure to Crystalline Silica	1218–AB70
208	Occupational Exposure to Beryllium	1218–AB76

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
209	Confined Spaces in Construction	1218–AB47

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
210	Electric Power Transmission and Distribution; Electrical Protective Equipment	1218–AB67

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
211	Occupational Exposure to Food Flavorings Containing Diacetyl and Diacetyl Substitutes	1218–AC33

DEPARTMENT OF LABOR (DOL)

Employee Benefits Security Administration (EBSA)

Completed Actions

203. Ex Parte Cease and Desist and Summary Seizure Orders Under ERISA Section 521

Legal Authority: 29 U.S.C. 1151; 29 U.S.C. 1135

Abstract: Section 521 of the Employee Retirement Income Security Act (ERISA) enacted under section 6605 of the Affordable Care Act (Pub. L. 111–148, 124 Stat. 780), authorizes the Secretary of Labor to issue a cease and desist order if it appears that a multiple employer welfare arrangement (MEWA) is fraudulent, creates an immediate danger to public safety or welfare, or can be reasonably expected to cause significant, imminent, and irreparable public injury. This section also authorizes the Secretary to issue a summary seizure order if it appears that a MEWA is in a financially hazardous condition. Regulatory guidance will provide standards for the issuance of such orders.

Timetable:

Action	Date	FR Cite
NPRM	12/06/11	76 FR 76235
NPRM Comment Period End.	03/05/12	
Final Rule	03/01/13	78 FR 13797
Final Rule Effective.	04/01/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephanie Lewis, Attorney, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N–411, Washington, DC 20210, *Phone:* 202 693–5588.

RIN: 1210–AB48

204. Filings Required of Multiple Employer Welfare Arrangements and Certain Other Entities That Offer or Provide Coverage for Medical Care to the Employees of Two or More Employers

Legal Authority: sec 6606 of the Patient Protection and Affordable Care Act; Pub. L. 111–148; 124 Stat 119 (2010)

Abstract: This is a proposed rule under title I of the Employee Retirement Income Security Act (ERISA) that, upon adoption, would implement reporting requirements for multiple employer welfare arrangements (MEWAs) and certain other entities that offer or provide health benefits for employees of two or more employers. The proposal amends existing reporting rules to incorporate new requirements enacted as part of the Patient Protection and Affordable Care Act (Affordable Care Act) and to more clearly address the reporting obligations of MEWAs that are ERISA plans.

Timetable:

Action	Date	FR Cite
NPRM	12/06/11	76 FR 76222
NPRM Comment Period End.	03/05/12	
Final Rule	03/01/13	78 FR 13781
Final Rule Effective.	04/01/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy J. Turner, Senior Advisor, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N–5653, Washington, DC 20210, *Phone:* 202 693–8335, *Fax:* 202 219–1942.

RIN: 1210–AB51

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Prerule Stage

205. Bloodborne Pathogens (Section 610 Review)

Legal Authority: 5 U.S.C. 533; 5 U.S.C. 610; 29 U.S.C. 655(b)

Abstract: OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.

Timetable:

Action	Date	FR Cite
Begin Review	10/22/09	
Request for Comments Published.	05/14/10	75 FR 27237
Comment Period End.	08/12/10	
End Review and Issue Findings.	10/00/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Jens Svenson, Deputy Director, Directorate of Evaluation and Analysis, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3641, Washington, DC 20210, *Phone:* 202 693–2400, *Fax:* 202 693–1641, *Email:* *svenson.jens@dol.gov.*

RIN: 1218–AC34

206. • Definition and Requirements for a Nationally Recognized Testing Laboratory (Section 610 Review)

Legal Authority: 29 U.S.C. 655(b)

Abstract: OSHA proposes to issue a Request for Information (RFI) for the Nationally Recognized Testing Laboratory (NRTL) Program. The NRTL Program was recently the subject of a GAO study, which recommended that OSHA reexamine the NRTL Program's structure and accreditation application procedures to identify and implement any alternatives that better align program design with resource levels and improve program timelines. As a result of the complexity of several issues identified in the GAO study, OSHA needs to gather more information before it can address some of the items identified and determine whether it must undertake rulemaking. The proposed RFI will solicit information on those topics identified in the GAO study as well as other topics proposed through discussions with stakeholders. Such topics include, but are not limited to, the use of a third party accreditation model, increased alignment with international standards, and allowable certification marks for the NRTL Program.

Timetable:

Action	Date	FR Cite
Request for Information.	12/00/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Amanda Edens, Acting Director, Directorate of Evaluation and Analysis, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3641, FP Building, Washington, DC 20210, *Phone:* 202 693–2400, *Fax:* 202 693–1641, *Email: edens.mandy@dol.gov.*

RIN: 1218–AC83

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

207. Occupational Exposure to Crystalline Silica

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula proposed by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1968 (PEL=10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and shipyards (derived from ACGIH's 1970 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50μg/m3 and 25μg/m3 exposure limits, respectively, for respirable crystalline silica.

Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. ASTM International has published recommended standards for addressing the hazards of crystalline silica. The Building Construction Trades Department of the AFL–CIO has also developed a recommended comprehensive program standard. These standards include provisions for methods of compliance, exposure monitoring, training, and medical surveillance.

Timetable:

Action	Date	FR Cite
Completed SBREFA Report.	12/19/03	
Initiated Peer Review of Health Effects and Risk Assessment.	05/22/09	
Completed Peer Review.	01/24/10	
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, Room N–3718, FP Building, 200 Constitution Avenue NW., Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: dougherty.dorothy@dol.gov.*

RIN: 1218–AB70

208. Occupational Exposure to Beryllium

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard by the United Steel Workers (formerly the Paper Allied-Industrial, Chemical, and Energy Workers Union), Public Citizen Health Research Group, and others. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage.

On November 26, 2002, OSHA published a Request for Information (RFI) (67 FR 70707) to solicit information pertinent to occupational exposure to beryllium, including: Current exposures to beryllium; the relationship between exposure to beryllium and the development of adverse health effects; exposure assessment and monitoring methods; exposure control methods; and medical surveillance. In addition, the Agency conducted field surveys of selected worksites to assess current exposures and control methods being used to reduce employee exposures to beryllium. OSHA convened a Small Business Advocacy Review Panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and completed the SBREFA Report in January 2008. OSHA also completed a scientific peer review of its draft risk assessment.

Timetable:

Action	Date	FR Cite
Request for Information.	11/26/02	67 FR 70707
Request For Information Comment Period End.	02/24/03	
SBREFA Report Completed.	01/23/08	
Initiated Peer Review of Health Effects and Risk Assessment.	03/22/10	
Complete Peer Review.	11/19/10	
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, Room N–3718, FP Building, 200 Constitution Avenue NW., Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: dougherty.dorothy@dol.gov.*

RIN: 1218–AB76

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

209. Confined Spaces in Construction

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333

Abstract: In 1993, OSHA issued a rule to protect employees who enter confined spaces while engaged in general industry work (29 CFR 1910.146). This standard has not been extended to cover employees entering confined spaces while engaged in construction work because of unique characteristics of construction worksites. Pursuant to discussions with the United Steel Workers of America that led to a settlement agreement regarding the general industry standard, OSHA agreed to issue a proposed rule to protect construction workers in confined spaces.

Timetable:

Action	Date	FR Cite
SBREFA Panel Report.	11/24/03	
NPRM	11/28/07	72 FR 67351
NPRM Comment Period End.	01/28/08	
NPRM Comment Period Extended.	02/28/08	73 FR 3893
Public Hearing	07/22/08	
Close Record	10/23/08	
Final Rule	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jim Maddux, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, Room N–3468, FP Building, 200 Constitution Avenue NW., Washington, DC 20210, *Phone:* 202 693–2020, *Fax:* 202 693–1689, *Email: maddux.jim@dol.gov.*

RIN: 1218–AB47

210. Electric Power Transmission and Distribution; Electrical Protective Equipment

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333

Abstract: Electrical hazards are a major cause of occupational death in the United States. The annual fatality rate for power line workers is about 50 deaths per 100,000 employees. The construction industry standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is nearly 40 years old. OSHA has developed a revision of this standard that will prevent many of these fatalities, add flexibility to the standard, and update and streamline the standard. OSHA also intends to amend the corresponding standard for general industry so that requirements for work performed during the maintenance of electric power transmission and distribution installations are the same as those for similar work in construction. In addition, OSHA will be revising a few miscellaneous general industry requirements primarily affecting electric transmission and distribution work, including provisions on electrical protective equipment and foot protection. This rulemaking also addresses fall protection in aerial lifts for work on power generation, transmission, and distribution installations. OSHA published an NPRM on June 15, 2005. A public hearing was held from March 6 through March 14, 2006. OSHA reopened the record to gather additional information on minimum approach distances for specific ranges of voltages. The record was reopened a second time to allow more time for comment and to gather information on minimum approach distances for all voltages and on the newly revised Institute of Electrical and Electronics Engineers consensus standard. Additionally, a public hearing was held on October 28, 2009.

Timetable:

Action	Date	FR Cite
SBREFA Report	06/30/03	
NPRM	06/15/05	70 FR 34821
NPRM Comment Period End.	10/13/05	
Comment Period Extended to 01/11/2006.	10/12/05	70 FR 59290
Public Hearing To Be Held 03/06/2006.	10/12/05	70 FR 59290
Posthearing Comment Period End.	07/14/06	
Reopen Record	10/22/08	73 FR 62942
Comment Period End.	11/21/08	
Close Record	11/21/08	
Second Reopening Record.	09/14/09	74 FR 46958
Comment Period End.	10/15/09	
Public Hearings	10/28/09	
Posthearing Comment Period End.	02/10/10	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, Room N–3718, FP Building, 200 Constitution Avenue NW., Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: dougherty.dorothy@dol.gov.*

RIN: 1218–AB67

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Long-Term Actions

211. Occupational Exposure to Food Flavorings Containing Diacetyl and Diacetyl Substitutes

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: On July 26, 2006, the United Food and Commercial Workers International Union (UFCW) and the International Brotherhood of Teamsters (IBT) petitioned DOL for an Emergency Temporary Standard (ETS) for all employees exposed to diacetyl, a major component in artificial butter flavoring. Diacetyl and a number of other volatile organic compounds are used to manufacture artificial butter food flavorings. These food flavorings are used by various food manufacturers in a multitude of food products, including microwave popcorn, certain bakery goods, and some snack foods. Evidence indicates that exposure to flavorings containing diacetyl is associated with adverse effects on the respiratory system, including bronchiolitis obliterans, a debilitating and potentially fatal lung disease. OSHA denied the petition on September 25, 2007, but has initiated 6(b) rulemaking. OSHA published an Advance Notice of Proposed Rulemaking (ANPRM) on January 21, 2009, but withdrew the ANPRM on March 17, 2009, in order to facilitate timely development of a standard. The Agency subsequently initiated review of the draft proposed standard in accordance with the Small Business Regulatory Enforcement Fairness Act (SBREFA). The SBREFA Panel Report was completed on July 2, 2009. NIOSH is currently developing a criteria document on occupational exposure to diacetyl. The criteria document will also address exposure to 2,3-pentanedione, a chemical that is structurally similar to diacetyl and has been used as a substitute for diacetyl in some applications. It will include an assessment of the effects of exposure as well as quantitative risk assessment. OSHA intends to rely on these portions of the criteria document for the health effects analysis and quantitative risk

assessment for the Agency's diacetyl rulemaking.

Timetable:

Action	Date	FR Cite
Stakeholder Meeting.	10/17/07	72 FR 54619
ANPRM	01/21/09	74 FR 3937
ANPRM Withdrawn.	03/17/09	74 FR 11329
ANPRM Comment Period End.	04/21/09	
Completed SBREFA Report.	07/02/09	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, Room N–3718, FP Building, 200 Constitution Avenue NW., Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: dougherty.dorothy@dol.gov.*

RIN: 1218–AC33.

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Part XIII

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I–III

23 CFR Chs. I–III

33 CFR Chs. I and IV

46 CFR Chs. I–III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII

[OST Docket 99–5129]

Department Regulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity. The public is also invited to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the Agenda in general to Brett Jortland, Acting Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; 202 366–4723.

Specific

You should direct all comments and inquiries on particular items in the Agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in appendix B. Individuals who use a telecommunications device for the deaf (TDD) may call 202 755–7687.

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SUPPLEMENTARY INFORMATION:

Background

Improvement of our regulations is a prime goal of the Department of Transportation (Department or DOT). Our regulations should be clear, simple, timely, fair, reasonable, and necessary. They should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed. To view additional information about the Department of Transportation's regulatory activities online, go to *http://www.dot.gov/regulations.* Among other things, this Web site provides a report, updated monthly, on the status of the DOT significant rulemakings listed in the semiannual regulatory agenda.

To help the Department achieve these goals and in accordance with Executive Order (EO) 12866, ''Regulatory Planning and Review,'' (58 FR 51735; Oct. 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979), the Department prepares a semiannual regulatory agenda. It summarizes all current and projected rulemaking, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last Agenda.

The Agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by the Department Regulations Council.

The Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DOT's printed Agenda entries include only:

1. The agency's Agenda preamble;
2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list see section heading ''Explanation of Information on the Agenda'') on these entries is available in the Unified Agenda published on the Internet.

Significant/Priority Rulemakings

The Agenda covers all rules and regulations of the Department. We have classified rules as a DOT agency priority in the Agenda if they are, essentially, very costly, beneficial, controversial, or of substantial public interest under our Regulatory Policies and Procedures. All DOT agency priority rulemaking documents are subject to review by the Secretary of Transportation. If the Office of Management and Budget (OMB) decides a rule is subject to its review under Executive Order 12866, we have classified it as significant in the Agenda.

Explanation of Information on the Agenda

An Office of Management and Budget memorandum, dated March 28, 2013, requires the format for this Agenda.

First, the Agenda is divided by initiating offices. Then, the Agenda is divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the Agenda provides the following information: (1) its ''significance''; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (e.g., NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for a decision on whether to take the action; (8) whether the rulemaking will affect small entities and/or levels of government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office

will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the Agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled ''Additional Information.'' One such example of this is the letters ''SB,'' ''IC,'' ''SLT.'' These refer to information used as part of our required reports on Retrospective Review of DOT rulemakings. A ''Y'' or an ''N,'' for yes and no, respectively, follow the letters to indicate whether or not a particular rulemaking would have effects on: small businesses (SB); information collections (IC); or State, local, or tribal (SLT) governments.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the ''Timetable'' column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which we expect to make a decision on whether to issue it. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the Agenda for the first time.

Request for Comments

General

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as make the Agenda easier to use. We would like you, the public, to make suggestions or comments on how the Agenda could be further improved.

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in appendix D. In response to Executive Order 13563 ''Retrospective Review and Analysis of Existing Rules,'' we have prepared a retrospective review plan providing more detail on the process we use to conduct reviews of existing rules, including changes in response to Executive Order 13563. We provided the public opportunities to comment at *www.regulations.gov* and IdeaScale on both our process and any existing DOT rules the public thought needed review. The plan and the results of our review can be found at *http://www.dot.gov/regulations.*

Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a ''significant economic impact on a substantial number of small entities'' and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (sec. 610 Review) appears at the end of the title for these reviews. Please see appendix D for the Department's section 610 review plans.

Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an accountable process to ensure ''meaningful and timely input'' by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have ''substantial direct effects'' on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of government or Indian tribes. Therefore, we encourage State and local governments or Indian tribes to provide us with information about how the Department's rulemakings impact them.

Purpose

The Department is publishing this regulatory Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the Agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: April 29, 2013.

Ray LaHood,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the Agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most, if not all, such documents, including the Semiannual Regulatory Agenda, are available through the Internet at *http://www.regulations.gov.* See appendix C for more information.

(Name of contact person), (Name of the DOT agency), 1200 New Jersey Avenue SE., Washington, DC 20590. (For the Federal Aviation Administration, substitute the following address: Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591).

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA—Mark Bury, Acting Chief Counsel, International Law, Legislation and Regulations Division, 800 Independence Avenue SW., Room

915A, Washington, DC 20591; telephone (202) 267–3110.

FHWA—Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0761.

FMCSA—Steven J. LaFreniere, Regulatory Ombudsman, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0596.

NHTSA—Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–2992.

FRA—Kathryn Shelton, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room W31–214, Washington, DC 20590; telephone (202) 493–6063.

FTA—Richard Wong, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room E56–308, Washington, DC 20590; telephone (202) 366–0675.

SLSDC—Carrie Mann Lavigne, Chief Counsel, 180 Andrews Street, Massena, NY 13662; telephone (315) 764–3200.

PHMSA—Patricia Burke, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4400.

MARAD—Christine Gurland, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–5157.

RITA—Robert Monniere, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–5498.

OST—Brett Jortland, Office of Regulation and Enforcement, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4723.

Appendix C—Public Rulemaking Dockets

All comments via the Internet are submitted through the Federal Docket Management System (FDMS) at the following address: *http://www.regulations.gov.* The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced Internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at, or deliver comments on proposed rulemakings to, the Dockets Office at 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, 1–800–647–5527. Working Hours: 9–5.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our 1979 Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866, ''Regulatory Planning and Review,'' and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to permit its use. We are committed to continuing our reviews of existing rules and, if needed, will initiate rulemaking actions based on these reviews.

In accordance with Executive Order 13563, ''Improving Regulation and Regulatory Review,'' issued by the President on January 18, 2011, the Department has added other elements to its review plan. The Department has decided to improve its plan by adding special oversight processes within the Department; encouraging effective and timely reviews, including providing additional guidance on particular problems that warrant review; and expanding opportunities for public participation. These new actions are in addition to the other steps described in this appendix.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that: (1) Have been published within the last 10 years, and (2) have a ''significant economic impact on a substantial number of small entities'' (SEIOSNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a presidentially-mandated review. If there is any change to the review plan, we will note the change in the following Agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the Agenda. Thus, Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010, and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses should be submitted to the regulatory contacts listed in Appendix B, General Rulemaking Contact Persons.

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEIOSNOSE, we will give a short explanation (e.g., ''these rules only establish petition processes that have no cost impact'' or ''these rules do not apply to any small entities''). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the prerulemaking section describing the review in more detail. We also will seek public comment on how

best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall Agenda, the agency will also publish information on the results of the examinations completed during the previous year.

Part III—List of Pending Section 610 Reviews

The Agenda identifies the pending DOT section 610 Reviews by inserting ''(Section 610 Review),'' after the title for the specific entry. For further information on the pending reviews, see the Agenda entries at *www.reginfo.gov.* For example, to obtain a list of all entries that is section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting ''advanced search'') and, in effect, generate the desired ''index'' of reviews.

OFFICE OF THE SECRETARY
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 91 through 99 and 14 CFR parts 200 through 212	2008	2009
2	48 CFR parts 1201 through 1253 and new parts and subparts	2009	2010
3	14 CFR parts 213 through 232	2010	2011
4	14 CFR parts 234 through 254	2011	2012
5	14 CFR parts 255 through 298 and 49 CFR part 40	2012	2013
6	14 CFR parts 300 through 373	2013	2014
7	14 CFR parts 374 through 398	2014	2015
8	14 CFR part 399 and 49 CFR parts 1 through 11	2015	2016
9	49 CFR parts 17 through 28	2016	2017
10	49 CFR parts 29 through 39 and parts 41 through 89	2017	2018

Year 1 (fall 2008) List of rules analyzed and summary of results

49 CFR part 95—Advisory Committees

- Section 610: The agency has determined that the rule does not have a significant economic impact on a substantial number of small entities.
- General: The agency plans to remove part 95 because it has been made obsolete by other laws, regulations, and agency procedures. Removal of these regulations would be cost effective and impose no burdens. Since the regulations will be removed, a review for plain language is not necessary.

Year 1 (fall 2008) List of rules with ongoing analysis

49 CFR part 91—International Air Transportation Fair Competitive Practices
49 CFR part 92—Recovering Debts to the United States by Salary Offset
49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities
49 CFR part 99—Employee Responsibilities and Conduct
14 CFR part 200—Definitions and Instructions
14 CFR part 201—Air Carrier Authority Under Subtitle VII of Title 49 of the United States Code [Amended]
14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses
14 CFR part 204—Data To Support Fitness Determinations
14 CFR part 205—Aircraft Accident Liability Insurance
14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions
14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers
14 CFR part 208—Charter Trips by U.S. Charter Air Carriers
14 CFR part 211—Applications for Permits to Foreign Air Carriers
14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers

Year 3 (fall 2010) List of rules with ongoing analysis

14 CFR part 213—Terms, Conditions, and Limitations of Foreign Air Carrier Permits
14 CFR part 214—Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only
14 CFR part 215—Use and Change of Names of Air Carriers, Foreign Air Carriers, and Commuter Air Carriers
14 CFR part 216—Comingling of Blind Sector Traffic by Foreign Air Carriers
14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Nonscheduled Services
14 CFR part 218—Lease by Foreign Air Carrier or Other Foreign Person of Aircraft With Crew
14 CFR part 221—Tariffs
14 CFR part 222—Intermodal Cargo Services by Foreign Air Carriers
14 CFR part 223—Free and Reduced-Rate Transportation
14 CFR part 232—Transportation of Mail, Review of Orders of Postmaster General

Year 4 (fall 2011) List of rules analyzed and summary of results

14 CFR part 234—Airline Service Quality Performance Reports

- Section 610: The agency has determined that the existing rule does not have a significant effect on a substantial number of small entities.
- General: The Department is anticipating proposing changes to the existing rule to expand the on-time performance ''reporting carrier'' pool to include smaller carriers to enable the Department to obtain and provide to the flying public a more complete picture of the performance of scheduled passenger service in general. Also, in July 2011, the Department proposed to change the way the Department computes mishandled baggage rates from mishandled baggage reports per domestic enplanement to mishandled bags per checked bags as the Department believes that the current matrix for comparing airline mishandled baggage information is outdated. OST's plain language review indicates no need for substantial

revision.

14 CFR part 250—Oversales

- Section 610: Certain elements of this existing rule impose requirements on certain small air carriers but the Department has determined that the economic impact is not significant.
- General: The Department made some changes to this part in April 2008 and April 2011. No additional changes are needed. These regulations are cost effective and impose the least burden as all air carriers have control over the extent to which the rule impacts them because they control their own overbooking rates. OST's plain language review indicates no need for substantial revision.

14 CFR part 252—Smoking Aboard Aircraft

- Section 610: The agency has determined that the existing rule does not have a significant effect on a substantial number of small entities.
- General: In September 2011, the Department proposed to change the existing rule to explicitly ban the smoking of electronic cigarettes on air carriers and foreign air carrier flights in scheduled intrastate, interstate, and foreign air transportation. The Department is also considering banning smoking on charter flights with 19 or more passenger seats in part out of concern about the health effects of secondhand smoke on flight attendants aboard such flights. Carriers that provide air transportation exclusively with aircraft that seat no more than 60 passenger seats are considered to be small entities. OST's plain language review indicates no need for substantial revision.

14 CFR part 253—Notice of Terms of Contract of Carriage

- Section 610: The agency has determined that the existing rule does not have a significant effect on a substantial number of small entities.
- General: A minor change to a provision in this part regarding retroactive changes to contracts of carriage was finalized in 2009. No additional changes are needed. These regulations are cost effective. OST's plain language review indicates no need for substantial revision.

14 CFR part 254—Domestic Baggage Liability

- Section 610: The agency has determined that the existing rule does not have a significant effect on a substantial number of small entities.
- General: The Department periodically raises the minimum limit on domestic baggage liability applicable to air carriers to reflect inflation. The Department anticipates adjusting the minimum limit of liability from the current amount of $3,300 announced by the Department in November 2008 to $3,400, to take into account the changes in consumer prices since the prior revision. This revision would affect only flight segments operated with large aircraft and other flight segments appearing on the same ticket as a large-aircraft segment. As a result, many operations of small entities, such as air taxis and many commuter air carriers, would not be covered by the rule. OST's plain language review indicates no need for substantial revision.

Year 4 (fall 2011) List of rules with ongoing analysis

14 CFR part 240—Inspection of Accounts and Property

14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers

14 CFR part 243—Passenger Manifest Information

14 CFR part 247—Direct Airport-to-Airport Mileage Records

14 CFR part 248—Submission of Audit Reports

14 CFR part 249—Preservation of Air Carrier Records

Year 5 (fall 2012) List of rules to be analyzed during the next year

14 CFR part 255—Airline Computer Reservations Systems

14 CFR part 256—[Reserved]

14 CFR part 271—Guidelines for Subsidizing Air Carriers Providing Essential Air Transportation

14 CFR part 272—Essential Air Service to the Freely Associated States

14 CFR part 291—Cargo Operations in Interstate Air Transportation

14 CFR part 292—International Cargo Transportation

14 CFR part 293—International Passenger Transportation

14 CFR part 294—Canadian Charter Air Taxi Operators

14 CFR part 296—Indirect Air Transportation of Property

14 CFR part 297—Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations

14 CFR part 298—Exemptions for Air Taxi and Commuter Air Carrier Operations

Year 5 (fall 2012) List of rules analyzed and a summary of results

14 CFR part 257—Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases

- Section 610: The agency has determined that the existing rule does not have a significant effect on a substantial number of small entities.
- General: The Department is anticipating proposing changes to the existing rule to codify the requirements in a statute (49 U.S.C. 41712(c)) and the Department's enforcement policy with respect to Web site disclosure of code-share and long-term wet lease arrangements. OST's plain language review indicates no need for substantial revision.

14 CFR part 258—Disclosure of Change-of-Gauge Services

- Section 610: The agency has determined that the rule does not have a significant effect on a substantial number of small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review indicates no need for substantial revision.

14 CFR part 259—Enhanced Protections for Airline Passengers

- Section 610: This rule imposes requirements on small air carriers but the Department believes that the economic impact will not be significant.
- General: The Department is anticipating proposing changes to the existing rule to require comfortable cabin temperatures when there is a lengthy tarmac delay and to require a marketing carrier provide assistance to its code-share partner when a flight operated by the code-share partner experiences a lengthy tarmac delay. OST's plain language review indicates no need for substantial revision.

Federal Aviation Administration

Section 610 Review Plan

The FAA has elected to use the two-step, 2-year process used by most DOT modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the ''*analysis year*''), all rules published during the previous 10 years within a 10 percent block of the regulations will be *analyzed* to identify those with a SEIOSNOSE. During the second year (the ''*review year*''), each rule identified in the analysis year as

having a SEIONOSE will be *reviewed* in accordance with section 610(b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR parts 119 through 129 and parts 150 through 156	2008	2009
2	14 CFR parts 133 through 139 and parts 157 through 169	2009	2010
3	14 CFR parts 141 through 147 and parts 170 through 187	2010	2011
4	14 CFR parts 189 through 198 and parts 1 through 16	2011	2012
5	14 CFR parts 17 through 33	2012	2013
6	14 CFR parts 34 through 39 and parts 400 through 405	2013	2014
7	14 CFR parts 43 through 49 and parts 406 through 415	2014	2015
8	14 CFR parts 60 through 77	2015	2016
9	14 CFR parts 91 through 105	2016	2017
10	14 CFR parts 417 through 460	2017	2018

Year 5 (2012) List of rules analyzed and summary of results

14 CFR part 17—Procedures for Protests and Contract Disputes
- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 21—Certification Procedures for Products and Parts
- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 23—Airworthiness Standards: Normal, Utility, Acrobatic, and Commuter Category Airplanes
- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 25—Airworthiness Standards: Transport Category Airplanes
- Section 610: The agency conducted a section 610 review of this part and found that the SEIOSNOSE no longer exists.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 26—Continued Airworthiness and Safety Improvements for Transport Category Airplanes
- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 27—Airworthiness Standards: Normal Category Rotorcraft
- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 29—Airworthiness Standards: Transport Category Rotorcraft
- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 31—Airworthiness Standards: Manned Free Balloons
- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 33—Airworthiness Standards: Aircraft Engines
- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

Year 6 (2013) List of rules to be analyzed during the next year

14 CFR part 34—Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes

14 CFR part 35—Airworthiness Standards: Propellers

14 CFR part 36—Noise Standards: Aircraft Type and Airworthiness Certification

14 CFR part 39—Airworthiness Directives

14 CFR part 400—Basis and Scope

14 CFR part 401—Organization and Definitions

14 CFR part 404—Regulations and Licensing Requirements

14 CFR part 405—Investigations and Enforcement

FEDERAL HIGHWAY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	None	2008	2009
2	23 CFR parts 1 to 260	2009	2010

FEDERAL HIGHWAY ADMINISTRATION—Continued
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
3	23 CFR parts 420 to 470	2010	2011
4	23 CFR part 500	2011	2012
5	23 CFR parts 620 to 637	2012	2013
6	23 CFR parts 645 to 669	2013	2014
7	23 CFR parts 710 to 924	2014	2015
8	23 CFR parts 940 to 973	2015	2016
9	23 CFR parts 1200 to 1252	2016	2017
10	New parts and subparts	2017	2018

Federal-Aid Highway Program

The FHWA has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter I of title 23 of the U.S.C. section 145 of title 23 expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

Year 4 (fall 2011) List of rules analyzed and a summary of results

23 CFR part 500—Management and Monitoring Systems

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

Year 5 (fall 2012) List of rules that will be analyzed during the next year

23 CFR part 620—Engineering
23 CFR part 625—Design Standards for Highways
23 CFR part 626—Pavement Policy
23 CFR part 627—Value Engineering
23 CFR part 630—Preconstruction Procedures
23 CFR part 633—Required Contract Provisions
23 CFR part 635—Construction and Maintenance
23 CFR part 636—Design-build Contracting
23 CFR part 637—Construction Inspection and Approval

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 372, subpart A	2008	2009
2	49 CFR part 386	2009	2010
3	49 CFR parts 325 and 390 (General)	2010	2011
4	49 CFR parts 390 (Small Passenger-Carrying Vehicles), 391 to 393 and 396 to 399	2011	2012
5	49 CFR part 387	2012	2013
6	49 CFR parts 356, 367, 369 to 371, 372 (subparts B and C)	2013	2014
7	49 CFR parts 373, 374, 376, and 379	2014	2015
8	49 CFR parts 360, 365, 366, and 368	2015	2016
9	49 CFR parts 377, 378	2016	2017
10	49 CFR part 395	2017	2018

Year 1 (fall 2008) List of rules analyzed and a summary of results

49 CFR Part 372—Exemptions From the Operating Authority Regulations Applicable to For-Hire Motor Carriers

- Section 610: There is no SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations provide exemptions from the requirements for certain for-hire motor carriers to apply for operating authority from FMCSA. The regulations reduce the regulatory burden on small businesses by enabling certain for-hire carriers to conduct business without being required to apply for operating authority. The regulations are cost effective and impose the least burden. FMCSA's plain language review of these rules indicates no need for substantive revision.

Year 2 (fall 2009) List of rules analyzed and a summary of results

49 CFR part 386—Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings

- Section 610: There is a SEIOSNOSE, as a significant number of small entities may be affected by legal fees and safety consultants' fees associated with preparing an adequate response to FMCSA notices of claims and notices of violations and the submission of corrective action plans following an unsuccessful new entrant audit or compliance review. It was found that the cost for legal representation and other costs for a formal hearing to appeal a decision may have a significant impact on small firms. However, these proceedings would only come about if the regulated entity failed to comply with applicable Federal

regulations and FMCSA initiated enforcement action as a result of non-compliance.

Subpart D, ''General Rules and Hearings,'' addresses rules and procedures for the conduct of formal hearings. The principal economic impact of part 386 is the cost to a small firm of defending itself under these procedures. However, as noted above, carriers that achieve compliance with FMCSA's commercial and safety regulations would not be subject to enforcement actions and therefore would not undergo such procedures.

- General: The Agency considered whether the rules of practice impose unnecessary burdens on small businesses that undergo enforcement actions as a result of non-compliance with the Agency's commercial and safety regulations. The Agency concluded that the rules of practice do not impose unnecessary burdens on such businesses when they achieve compliance with the applicable safety and hazardous materials regulations.

Year 3 (fall 2010) List of rules with ongoing analysis

49 CFR part 325—Compliance with Interstate Motor Carrier Noise Emission

49 CFR part 390 — Federal Motor Carrier Safety Regulations, General

- *This rule was moved up from Year 4 as a result of the Department's Retrospective Regulatory Review.*

Year 4 (fall 2011) List of rules with ongoing analysis

49 CFR part 391—Driver Qualifications
49 CFR part 392—Driving of Commercial Motor Vehicles
49 CFR part 393—Parts and Accessories Necessary for Safe Operation
49 CFR part 396—Inspection, Repair and Maintenance of Commercial Motor Vehicles
49 CFR part 397—Transportation of Hazardous Materials; Driving and Parking Rules
49 CFR part 398—Transportation of Migrant Workers
49 CFR part 399—Employee Safety and Health Standards

Year 5 (fall 2012) List of rule(s) that will be analyzed this year

49 CFR Part 387—Minimum Levels of Financial Responsibility for Motor Carriers

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 571.223 through 571.500, and parts 575 and 579	2008	2009
2	23 CFR parts 1200 through 1300	2009	2010
3	49 CFR parts 501 through 526 and 571.213	2010	2011
4	49 CFR parts 571.131, 571.217, 571.220, 571.221, and 571.222	2011	2012
5	49 CFR parts 571.101 through 571.110, and 571.135, 571.138, and 571.139	2012	2013
6	49 CFR parts 529 through 578, except parts 571 and 575	2013	2014
7	49 CFR parts 571.111 through 571.129 and parts 580 through 588	2014	2015
8	49 CFR parts 571.201 through 571.212	2015	2016
9	49 CFR parts 571.214 through 571.219, except 571.217	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts	2017	2018

Year 4 (fall 2011) List of rules analyzed and a summary of the results

49 CFR Part 571.131—School Bus Pedestrian Safety Devices
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.217—Bus Emergency Exits and Window Retention and Release
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.220—School Bus Rollover Protection
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.221—School Bus Body Joint Strength
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.222—School Bus Passenger Seating and Crash Protection
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

Year 5 (fall 2012) List of rules that will be analyzed during the next year

49 CFR part 571.101—Controls and Displays

49 CFR part 571.102—Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect

49 CFR part 571.103—Windshield Defrosting and Defogging Systems

49 CFR part 571.104—Windshield Wiping and Washing Systems

49 CFR part 571.105—Hydraulic and Electric Brake Systems

49 CFR part 571.106—Brake Hoses

49 CFR part 571.107—[Reserved]

49 CFR part 571.108—Lamps, Reflective Devices, and Associated Equipment

49 CFR part 571.109—New Pneumatic and Certain Specialty Tires

49 CFR part 571.110—Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 Kilograms (10,000 Pounds) or Less

49 CFR part 571.135—Light Vehicle Brake Systems

49 CFR part 571.138—Tire Pressure Monitoring Systems

49 CFR part 571.139—New Pneumatic Radial Tires for Light Vehicles

FEDERAL RAILROAD ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 200 and 201	2008	2009
2	49 CFR parts 207, 209, 211, 215, 238, and 256	2009	2010
3	49 CFR parts 210, 212, 214, 217, and 268	2010	2011
4	49 CFR part 219	2011	2012
5	49 CFR parts 218, 221, 241, and 244	2012	2013
6	49 CFR parts 216, 228, and 229	2013	2014
7	49 CFR parts 223 and 233	2014	2015
8	49 CFR parts 224, 225, 231, and 234	2015	2016
9	49 CFR parts 222, 227, 235, 236, 250, 260, and 266	2016	2017
10	49 CFR parts 213, 220, 230, 232, 239, 240, and 265	2017	2018

Year 4 (fall 2011) List of rules analyzed and a summary of results

49 CFR part 219—Control of Alcohol and Drug Use

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. This rule is cost effective and imposes the least burden. FRA's plain language review of this rule indicates no need for substantial revision.

Year 5 (fall 2012) List of rule(s) that will be analyzed during next year

49 CFR part 218—Control of Alcohol and Drug Use

49 CFR part 221—Rear End Marking Device Passenger, Commuter, and Freight Trains

49 CFR part 241—United States Locational Requirement for Dispatching of United States Rail Operations

49 CFR part 244—Regulations on Safety Integration Plans Governing Railroad Consolidations, Mergers, and Acquisitions of Control

FEDERAL TRANSIT ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 604, 605, and 633	2008	2009
2	49 CFR parts 661 and 665	2009	2010
3	49 CFR part 633	2010	2011
4	49 CFR parts 609 and 611	2011	2012
5	49 CFR parts 613 and 614	2012	2013
6	49 CFR part 622	2013	2014
7	49 CFR part 630	2014	2015
8	49 CFR part 639	2015	2016
9	49 CFR parts 659 and 663	2016	2017
10	49 CFR part 665	2017	2018

Year 3 (fall 2010) List of rules analyzed and summary of results

49 CFR part 605—School Bus Operations

- Section 610: The agency has determined that the rule does not have a significant effect on a substantial number of small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FTA's plain language review indicates no need for substantial revision.

Year 4 (fall 2011) List of rules with ongoing analysis

49 CFR part 609—Transportation for Elderly and Handicapped Persons

Year 5 (fall 2012) List of rule(s) that will be analyzed during the next year

49 CFR part 613—Planning Assistance and Standards

49 CFR part 614—Transportation Infrastructure Management

MARITIME ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	46 CFR parts 201 through 205	2008	2009
2	46 CFR parts 221 through 232	2009	2010
3	46 CFR parts 249 through 296	2010	2011
4	46 CFR parts 221, 298, 308, and 309	2011	2012
5	46 CFR parts 307 through 309	2012	2013
6	46 CFR part 310	2013	2014

MARITIME ADMINISTRATION—Continued
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
7	46 CFR parts 315 through 340	2014	2015
8	46 CFR parts 345 through 381	2015	2016
9	46 CFR parts 382 through 389	2016	2017
10	46 CFR parts 390 through 393	2017	2018

Year 4 (fall 2011) List of rules with ongoing analysis

46 CFR part 381—Cargo Preference—U.S.-Flag Vessels

46 CFR part 383—Cargo Preference—Compromise, Assessment, Mitigation, Settlement & Collection of Civil Penalties

46 CFR part 221—Foreign Transfer Regulations

46 CFR part 249—Approval of Underwriters for Marine Hull Insurance

46 CFR part 272—Requirements and Procedures for Conducting Condition Surveys and Administering Maintenance and Repair Subsidy

46 CFR part 287—Establishment of Construction Reserve Funds

46 CFR part 295—Maritime Security Program (MSP)

46 CFR part 296—Maritime Security Program (MSP)

Year 5 (2012) List of rules that will be analyzed during the next year

46 CFR part 307—Mandatory Position Report System for Vessels

46 CFR part 308—War Risk Insurance

46 CFR part 309—War Risk Ship Valuation

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 178	2008	2009
2	49 CFR parts 178 through 180	2009	2010
3	49 CFR parts 172 and 175	2010	2011
4	49 CFR part 171, sections 171.15 and 171.16	2011	2012
5	49 CFR parts 106, 107, 171, 190, and 195	2012	2013
6	49 CFR parts 174, 177, 191, and 192	2013	2014
7	49 CFR parts 176 and 199	2014	2015
8	49 CFR parts 172 through 178	2015	2016
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2016	2017
10	49 CFR parts 173 and 194	2017	2018

Year 4 (fall 2011) List of rules analyzed and a summary of results

49 CFR section 171.15—Immediate Notice of Certain Hazardous Materials Incidents

- Section 610: There is no SEIOSNOSE. Annually fewer than 100 small entities are required to file a report telephonic report. Therefore, though some small entities may be affected the economic impact on small entities will not be significant.
- General: This rule prescribes requirements for the immediate notice of certain hazardous materials incidents by telephone to the National Response Center (NRC). The primary function of the National Response Center is to serve as the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories. In addition to gathering and distributing spill data for Federal On-Scene Coordinators and serving as the communications and operations center for the National Response Team, the NRC maintains agreements with a variety of Federal entities to make additional notifications regarding incidents meeting established trigger criteria. Section 171.15(b) establishes the trigger criteria for a reportable hazardous materials incident. PHMSA's plain language review of this rule indicates no need for substantial revision.

49 CFR section 171.16—Detailed Hazardous Materials Incident Reports

- Section 610: There is no SEIOSNOSE. Based on a review of detailed incident reports PHMSA found that only 3 percent of the nearly 15,000 incidents reports submitted in FY2011 were filed by small entities. Therefore, though some small entities may be affected the economic impact on small entities will not be significant.
- General: This rule prescribes requirements for detailed hazardous materials incident reports. PHMSA relies on this data and information to evaluate the effectiveness of the existing regulations; determine the need for regulatory changes to cover changing transportation safety problems; and identify major problem areas that should receive priority attention. In addition, both government and industry use this information to chart trends, identify problems and training inadequacies, evaluate packaging, and assess ways to reduce hazardous materials releases. In FY2011 PHMSA accepted two petitions for rulemaking (P–1562; PHMSA–2010–0207 and P–1566; PHMSA–2010–0225) that request revisions to the incident reporting requirements. As a result of these petitions, PHMSA is currently conducting research to evaluate the effectiveness of the requirements for detailed hazardous materials incident reporting in section 171.16. PHMSA concluded this study in FY2012. Based on the

results of the study PHMSA is considering regulatory action to address its findings, the petitions, and simplify the incident reporting process. PHMSA's plain language review of this rule indicates no need for substantial revision.

Year 5 (fall 2012) List of rules that will be analyzed during the next year

49 CFR part 106—Rulemaking Procedures

49 CFR part 107—Hazardous Materials Program Procedures

49 CFR part 171—General Information, Regulations, and Definitions

49 CFR part 190—Pipeline Safety Programs and Rulemaking Procedures

49 CFR part 195—Transportation of Hazardous Liquids by Pipeline

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION (RITA)
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR part 241, form 41	2008	2009
2	14 CFR part 241, schedule T–100, and part 217	2009	2010
3	14 CFR part 298	2010	2011
4	14 CFR part 241, section 19–7	2011	2012
5	14 CFR part 291	2012	2013
6	14 CFR part 234	2013	2014
7	14 CFR part 249	2014	2015
8	14 CFR part 248	2015	2016
9	14 CFR part 250	2016	2017
10	14 CFR part 374a, ICAO	2017	2018

Year 1 (fall 2008) List of rules with ongoing analysis

14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers, Form 41

Year 3 (fall 2010) List of rules with ongoing analysis

14 CFR part 298, subpart f—Exemptions for Air Taxi and Commuter Air Carrier Operations—Reporting Requirements

Year 4 (fall 2011) List of rules with ongoing analysis

14 CFR part 241, section 19–7—Passenger Origin-Destination Survey

Year 5 (fall 2012) List of rules that will be analyzed during the next year

14 CFR part 291—Cargo Operations in Interstate Air Transportation

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	33 CFR parts 401 through 403	2008	2009

Year 1 (fall 2008) List of rules with ongoing analysis

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
45	+Enhancing Airline Passenger Protections III	2105–AE11

+ DOT-designated significant regulation.

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
46	+Use of the Seat-Strapping Method for Carrying a Wheelchair on an Aircraft	2105–AD87

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
47	+Operation and Certification of Small Unmanned Aircraft Systems (sUAS)	2120–AJ60
48	+Flight Crewmember Mentoring, Leadership and Professional Development (HR 5900)	2120–AJ87

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
49	+Pilot Certification and Qualification Requirements (Formerly First Officer Qualification Requirements) (HR 5900).	2120–AJ67
50	+Safety Management Systems for Certificate Holders **(Section 610 Review)**	2120–AJ86

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
51	+Air Carrier Maintenance Training Program **(Section 610 Review)**	2120–AJ79

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
52	+Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)	2126–AB18
53	+Electronic Logging Devices and Hours of Service Supporting Documents (MAP–21)	2126–AB20
54	+Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (RRR)	2126–AB46

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
55	+Unified Registration System	2126–AA22

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
56	Self Reporting of Out-of-State Convictions (RRR) **(Section 610 Review)**	2126–AB43

FEDERAL RAILROAD ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
57	+Risk Reduction Program	2130–AC11

+ DOT-designated significant regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
58	+Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines	2137–AE66
59	Pipeline Safety: Issues Related To the Use of Plastic Pipe in Gas Pipeline Industry	2137–AE93
60	Pipeline Safety: Miscellaneous Amendments Related to Reauthorization and Petitions for Rulemaking (RRR).	2137–AE94

+ DOT-designated significant regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
61	+Hazardous Materials: Revisions to Requirements for the Transportation of Lithium Batteries	2137–AE44

+ DOT-designated significant regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
62	Hazardous Materials: Miscellaneous Amendments (RRR) **(Completion of a Section 610 Review)**	2137–AE78

MARITIME ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
63	+ Regulations To Be Followed by All Departments, Agencies, and Shippers Having Responsibility To Provide a Preference for U.S.-Flag Vessels in the Shipment of Cargoes on Ocean Vessels.	2133–AB74

+ DOT-designated significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Proposed Rule Stage

45. + Enhancing Airline Passenger Protections III

Legal Authority: 49 U.S.C. 41712; 49 U.S.C. 40101;49 U.S.C. 41702

Abstract: This rulemaking would address the following issues: (1) whether the Department should require a marketing carrier to provide assistance to its code-share partner when a flight operated by the code-share partner experiences a lengthy tarmac delay; (2) whether the Department should enhance disclosure requirements on code-share operations, including requiring on-time performance data, reporting of certain data code-share operations, and codifying the statutory amendment of 49 U.S.C. 41712(c) regarding Web site schedule disclosure of code-share operations; (3) whether the Department should expand the on-time performance ''reporting carrier'' pool to include smaller carriers; (4) whether the Department should require travel agents to adopt minimum customer service standards in relation to the sale of air transportation; (5) whether the Department should require ticket agents to disclose the carriers whose tickets they sell or do not sell and information regarding any incentive payments they receive in connection with the sale of air transportation; (6) whether the Department should require ticket agents to disclose any preferential display of individual fares or carriers in the ticket agent´s Internet displays; (7) whether the Department should require additional or special disclosures regarding certain substantial fees, e.g., oversize or overweight baggage fees; (8) whether the Department should prohibit post-purchase price increase for all services and products not purchased with the ticket or whether it is sufficient to prohibit post-purchase price increases for baggage charges that traditionally have been included in the ticket price; and (9) whether the Department should require that ancillary fees be displayed through all sale channels.

Timetable:

Action	Date	FR Cite
NPRM	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–9342, *TDD Phone:* 202–755–7687, *Fax:* 202 366–7152, *Email: blane.workie@ost.dot.gov.*

RIN: 2105–AE11

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Final Rule Stage

46. + Use of the Seat–Strapping Method for Carrying A Wheelchair on an Aircraft

Legal Authority: 49 U.S.C. 41705

Abstract: This rulemaking would address whether carriers should be allowed to utilize the seat-strapping method to stow a passenger´s wheelchair in the aircraft cabin.

Timetable:

Action	Date	FR Cite
NPRM	06/03/11	76 FR 32107
NPRM Comment Period End.	08/02/11	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202–366–9342, *TDD Phone:* 202 755–7687, *Fax:* 202 366–7152, *Email: blane.workie@ost.dot.gov.*

RIN: 2105–AD87.

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Proposed Rule Stage

47. +Operation and Certification of Small Unmanned Aircraft Systems (SUAS)

Legal Authority: 49 U.S.C. 44701; P.L. 112–95

Abstract: This rulemaking would adopt specific rules for the operation of small unmanned aircraft systems in the National Airspace System (NAS). These changes would address the classification of small unmanned aircraft, certification of their pilots and visual observers, registration, approval

of operations, and operational limits in order to maintain the safety and efficiency of the NAS. This proposal addresses model aircraft operations as well. This rulemaking would require regular collection of safety data from the user community to enable the FAA to assess the effectiveness of these regulations and to integrate unmanned aircraft systems into the NAS in the future.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephen A Glowacki, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, *Phone:* 202 385–4898, *Email: stephen.a.glowacki@faa.gov.*

RIN: 2120–AJ60

48. +Flight Crewmember Mentoring, Leadership and Professional Development (HR 5900)

Legal Authority: 49 U.S.C. 44701(a)(5); Pub. L. 111–216, sec. 206

Abstract: This rulemaking would amend the regulations for air carrier training programs under part 121. The action is necessary to ensure that air carriers establish or modify training programs that address mentoring, leadership, and professional development of flight crewmembers in part 121 operations. The amendments are intended to contribute significantly to airline safety by reducing aviation accidents and respond to the mandate in Public Law 111–216.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deke Abbott, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, *Phone:* 202 267–8266, *Email: deke.abbott@faa.gov.*

RIN: 2120–AJ87

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Final Rule Stage

49. +Pilot Certification and Qualification Requirements (Formerly First Officer Qualification Requirements) (HR 5900)

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 35301 to 45302; 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701(a)(5); 49 U.S.C. 44701 to 44703; 49 U.S.C. 44705; 49 U.S.C. 44707; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716; 49 U.S.C. 44722; 49 U.S.C. 45102 to 45103; 49 U.S.C. 46105; 49 U.S.C. 44717; Pub. L. 111–216

Abstract: This rulemaking would amend the eligibility and qualification requirements for pilots engaged in part 121 air carrier operations. Additionally, it would modify the requirements for an airline transport pilot certificate. These actions are necessary because recent airline accidents and incidents have brought considerable attention to the experience level and training of air carrier flight crews. This rulemaking is a result of requirements in Public Law 111–216.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/10	75 FR 6164
ANPRM Comment Period End.	04/09/10	
NPRM	02/29/12	77 FR 12374
NPRM Comment Period End.	04/30/12	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barbara Adams, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202 267–8166, *Email: barbara.adams@faa.gov.*

RIN: 2120–AJ67

50. +Safety Management Systems for Certificate Holders (Section 610 Review)

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716; 49 U.S.C. 44717; 49 U.S.C. 44722; 49 U.S.C. 46105; Pub. L. 111–216, sec. 215

Abstract: This rulemaking would require each certificate holder operating under 14 CFR part 121 to develop and implement a safety management system (SMS) to improve the safety of its aviation related activities. A safety management system is a comprehensive, process-oriented approach to managing safety throughout an organization. An SMS includes an organization-wide safety policy; formal methods for identifying hazards, controlling, and continually assessing risk and safety performance; and promotion of a safety culture. SMS stresses not only compliance with technical standards but increased emphasis on the overall safety performance of the organization. This rulemaking is required under Public Law 111–216, sec. 215.

Timetable:

Action	Date	FR Cite
NPRM	11/05/10	75 FR 68224
NPRM Comment Period Extended.	01/31/11	76 FR 5296
NPRM Comment Period End.	02/03/11	
Comment Period Extended.	03/07/11	
Final Rule	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott VanBuren, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, *Phone:* 202 494–8417, *Email: scott.vanburen@faa.gov.*

RIN: 2120–AJ86

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Long-Term Actions

51. +Air Carrier Maintenance Training Program (Section 610 Review)

Legal Authority: 49 U.S.C. 44101; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 47111; 49 U.S.C. 44713; 49 U.S.C. 44715; 49 U.S.C. 44716; 49 U.S.C. 44717; 49 U.S.C. 44722; 49 U.S.C. 46105

Abstract: This rulemaking would require FAA approval of maintenance training programs of air carriers that operate aircraft type certificated for a passenger seating configuration of 10 seats or more (excluding any pilot seat). The intent of this rulemaking is to reduce the number of accidents and incidents caused by human error, improper maintenance, inspection, or repair practices.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: No.

Agency Contact: John J Hiles, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 950 L'Enfant Plaza North SW., Washington, DC 20591, *Phone:* 202 385–6421, *Email: john.j.hiles@faa.gov.*

RIN: 2120–AJ79

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

52. +Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)

Legal Authority: 49 U.S.C. 31306

Abstract: This rulemaking would create a central database for verified positive controlled substances and alcohol test results for commercial driver's license (CDL) holders and refusals by such drivers to submit to testing. This rulemaking would require employers of CDL holders and service agents to report positive test results and refusals to test into the Clearinghouse. Prospective employers, acting on an application for a CDL driver position with the applicant´s written consent to access the Clearinghouse, would query the Clearinghouse to determine if any specific information about the driver applicant is in the Clearinghouse before allowing the applicant to be hired and to drive CMVs. This rulemaking is intended to increase highway safety by ensuring CDL holders, who have tested positive or have refused to submit to testing, have completed the U.S. DOT´s return-to-duty process before driving CMVs in interstate or intrastate commerce. It is also intended to ensure that employers are meeting their drug and alcohol testing responsibilities. Additionally, provisions in this rulemaking would also be responsive to requirements of the Moving Ahead for Progress in the 21st Century (MAP–21) Act. MAP–21 requires creation of the Clearinghouse by 10/1/14.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deborah Snider, Chief, Commercial Enforcement (MC–ECC), Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–0916, *Email: deborah.snider@fmcsa.dot.gov.*

RIN: 2126–AB18

53. +Electronic Logging Devices and Hours of Service Supporting Documents (MAP–21)

Legal Authority: 49 U.S.C. 31502; 31136(a); Pub. L. 103.311; 49 U.S.C. 31137(a)

Abstract: This SNPRM would establish: (1) minimum performance standards for electronic logging devices (ELDs); (2) requirements for the mandatory use of the devices by drivers required to prepare handwritten records of duty status (RODS); (3) requirements concerning HOS supporting documents; and (4) measures to ensure that the mandatory use of ELDs will not result in harassment of drivers by motor carriers and enforcement officials. This rulemaking supplements the Agency's February 1, 2011, Notice of Proposed Rulemaking (NPRM) and addresses issues raised by the U.S. Court of Appeals for the Seventh Circuit Court in its 2011 decision vacating the Agency's April 5, 2010, final rule concerning ELDs. The requirements for ELDs would improve compliance with the hours-of-service (HOS) rules and thereby decrease the risk of fatigue-related crashes attributable to non-compliance with the applicable HOS requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5537
NPRM Comment Period End.	02/28/11	
Comment Period Extended.	03/10/11	76 FR 13121
Extended Comment Period End.	05/23/11	
Supplemental NPRM.	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deborah M Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5370, *Email: deborah.freund@dot.gov.*

RIN: 2126–AB20

54. +Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (RRR)

Legal Authority: 49 U.S.C. 31502(b)

Abstract: This rulemaking would rescind the requirement that commercial motor vehicle (CMV) drivers operating in interstate commerce submit, and motor carriers retain, driver-vehicle inspection reports when the driver has neither found nor been made aware of any vehicle defects or deficiencies. Specifically, this rulemaking would remove a significant information collection burden without adversely impacting safety. This rulemaking responds in part to the President´s January 2012 Regulatory Review and Reform initiative.

Timetable:

Action	Date	FR Cite
NPRM	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Gallagher, MC–PRR, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–3740, *Email: sean.gallagher@dot.gov.*

RIN: 2126–AB46

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Final Rule Stage

55. +Unified Registration System

Legal Authority: Pub. L. 104–88; 109 Stat 803, 888 (1995); 49 U.S.C. 13908; Pub. L. 109–159, sec 4304

Abstract: This rule would establish a new Unified Registration System (URS) to replace four legacy systems in support of FMCSA´s safety and commercial oversight responsibilities. It would require all entities subject to FMCSA jurisdiction to comply with a new URS registration and biennial update requirement and, disclose the cumulative registration information collected by URS. It would and provides a cross-reference to all regulatory requirements necessary to obtain permanent registration. It implements statutory provisions in the ICC Termination Act and SAFTEA–LU. URS would serve as a clearinghouse and depository of information on, and identification of, motor carriers, brokers, freight forwarders, and others required to register with the Department of Transportation. The agency has determined the total net societal benefits of the rule to be $19.5 million and the total societal costs to be $26.5 million.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/96	61 FR 43816
ANPRM Comment Period End.	10/25/96	
NPRM	05/19/05	70 FR 28990
NPRM Comment Period End.	08/17/05	
Supplemental NPRM.	10/26/11	76 FR 66506
SNPRM Comment Period End.	12/27/11	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Genevieve Sapir, Management Analyst, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Policy (MC–CCR), 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–7056, *Email: genevieve.sapir@dot.gov.*

RIN: 2126–AA22

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Completed Actions

56. Self Reporting of Out-of-State Convictions (RRR) (Section 610 Review)

Legal Authority: Commercial Motor Vehicle Safety Act of 1986

Abstract: This rulemaking would clarify the requirement for holders of commercial drivers licenses (CDL) convicted of violating traffic laws in a State other than the State that issued their CDL, to notify the State of issuance about those violations under part 383.31 of FMCSA's Commercial Drivers License Standards; and clarify the requirement for the licensing agency from the jurisdiction in which the conviction takes place to notify the State licensing Agency that issued the CDL under part 384.209 State Compliance with Commercial Drivers License Program. This rulemaking would also ensure that notifications required in sections 383.31 and 384.209 take place within 30 days of the conviction.

Timetable:

Action	Date	FR Cite
NPRM	08/02/12	77 FR 46010
NPRM Comment Period End.	10/01/12	
Final Rule	04/26/13	78 FR 24684
Final Rule Effective.	05/28/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5014, *Email: robert.redmond@dot.gov.*

RIN: 2126–AB43

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Proposed Rule Stage

57. +Risk Reduction Program

Legal Authority: Pub. L. no 110–432, Div A, 122 Stat 4848 *et seq.;* Rail Safety Improvement Act of 2008; sec 103, 49 U.S.C. 20156 ''Railroad Safety Risk Reduction Program''

Abstract: This rulemaking would consider appropriate contents or require each Class I railroad and each railroad with inadequate safety performance to develop and implement a Risk Reduction Program (RRP) and how they should be implemented and reviewed by FRA. Program (RRP) to improve the safety of their operations. Each RRP would be required to include a risk analysis, a technology implementation plan, and a fatigue management plan. Railroads would be required to conduct annual internal assessments of their RRPs, which could also be externally audited by FRA.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/10	75 FR 76345
ANPRM Comment Period End.	02/07/11	
NPRM	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 493–6063, *Email: kathryn.shelton@fra.dot.gov.*

RIN: 2130–AC11

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Proposed Rule Stage

58. +Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would address effective procedures that hazardous liquid operators can use to improve the protection of High Consequence Areas (HCA) and other vulnerable areas along their hazardous liquid onshore pipelines. PHMSA is considering whether changes are needed to the regulations covering hazardous liquid onshore pipelines, whether other areas should be included as HCAs for integrity management (IM) protections, what the repair timeframes should be for areas outside the HCAs that are assessed as part of the IM program, whether leak detection standards are necessary, valve spacing requirements are needed on new construction or existing pipelines, and PHMSA should extend regulation to certain pipelines currently exempt from regulation. The agency would also address the public safety and environmental aspects any new requirements, as well as the cost implications and regulatory burden.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/10	75 FR 63774
ANPRM Comment Period End.	01/18/11	
ANPRM Comment Period Extended.	01/04/11	76 FR 303
ANPRM Extended Comment Period End.	02/18/11	
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John A Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–0434, *Email: john.gale@dot.gov.*

RIN: 2137–AE66

59. Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would address a number of issues related to the

use of plastic pipe in the gas pipeline industry. These issues include composite pipe petitions, plastic issues on gas lines, authorized use of PA12 at higher pressures, 50 year markings, increasing design factor from 0.32 to 0.40 for polyethylene pipe, characterization of ''plastic pipe'' to ''non-metallic pipe,'' leak repair revisions, incorporation by reference certain ANSI standards and enhanced tracking and traceability of lines.

Timetable:

Action	Date	FR Cite
NPRM	04/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cameron H Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8553, *Email: cameron.satterthwaite@dot.gov.*

RIN: 2137–AE93

60. Pipeline Safety: Miscellaneous Amendments Related to Reauthorization and Petitions for Rulemaking (RRR)

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking will address miscellaneous issues that have been raised because of the reauthorization of the pipeline safety program in 2012 and petitions for rulemaking from many affected stakeholders. Some of the issues that this rulemaking would address include, renewal process for special permits, cost recovery for design reviews and incident reporting.

Timetable:

Action	Date	FR Cite
NPRM	01/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John A Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–0434, *Email: john.gale@dot.gov.*

RIN: 2137–AE94

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Final Rule Stage

61. +Hazardous Materials: Revisions to Requirements for the Transportation of Lithium Batteries

Legal Authority: 49 U.S.C. 5101 *et seq.*

Abstract: This rulemaking would amend the Hazardous Materials Regulations to comprehensively address the safe transportation of lithium cells and batteries. The intent of the rulemaking is to strengthen the current regulatory framework by imposing more effective safeguards, including design testing to address risks related to internal short circuits, and enhanced packaging, hazard communication, and operational measures for various types and sizes of lithium batteries in specific transportation contexts. The rulemaking would respond to several recommendations issued by the National Transportation Safety Board.

Timetable:

Action	Date	FR Cite
NPRM	01/11/10	75 FR 1302
NPRM Comment Period End.	03/12/10	
Notice	04/11/12	77 FR 21714
Notice Comment Period End.	05/11/12	
NPRM Comment Period Extended.	01/07/13	78 FR 1119
NPRM Comment Period Extended End.	03/08/13	
Final Rule	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Leary, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8553, *Email: kevin.leary@dot.gov.*

RIN: 2137–AE44

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Completed Actions

62. Hazardous Materials: Miscellaneous Amendments (RRR) (Completion of a Section 610 Review)

Legal Authority: 49 U.S.C. 5101 *et seq.*

Abstract: This rulemaking would update and clarify existing requirements by incorporating changes into the Hazardous Materials Regulations (HMR) based on PHMSA's own initiatives through an extensive review of the HMR and previously issued letters of interpretation. Specifically, among other provisions, PHMSA would provide for the continued use of approvals until final administrative action is taken, when a correct and completed application for approval renewal was received 60 days prior to expiration date; update various entries in the hazardous materials table and the corresponding special provisions; clarify the lab pack requirements for temperature controlled materials; correct an error in the HMR with regard to the inspection of cargo tank motor vehicles containing corrosive materials; and revise the training requirements to require that hazardous materials employers ensure their hazardous materials employee training records are available upon request to an authorized official of the Department of Transportation or the Department of Homeland Security.

Timetable:

Action	Date	FR Cite
NPRM	04/26/12	77 FR 24885
NPRM Comment Period End.	06/25/12	
Final Rule	03/11/13	78 FR 15303
Final Rule Effective.	05/10/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Robert Benedict, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8553, *Email: robert.benedict@dot.gov.*

RIN: 2137–AE78

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MARAD)

Long-Term Actions

63. +Regulations To Be Followed by all Departments, Agencies, and Shippers Having Responsibility To Provide a Preference for U.S.-Flag Vessels in the Shipment of Cargoes on Ocean Vessels

Legal Authority: 49 CFR 1.66; 46 app U.S.C. 1101; 46 app U.S.C. 1241; 46 U.S.C. 2302 (e)(1); Pub. L. 91–469

Abstract: This rulemaking would revise and clarify the Cargo Preference rules that have not been revised substantially since 1971. Revisions would include an updated purpose and definitions section along with the removal of obsolete provisions. This rulemaking also would establish a new Part 383 to implement the Cargo Preference regulations. This rulemaking would cover Public Law 110–417, section 3511, National Defense Authorization Act for FY2009 changes to the cargo preference rules. The rulemaking would also provide for compromise, assessment, mitigation, settlement, and collection of civil penalties. Originally the agency had two separate rulemakings in process under RIN 2133–AB74 and 2133–AB75. RIN 2133–AB74 would have revised existing regulations and RIN 2133–AB75 would have established a new part 383: Guidance and Civil Penalties and implement Public Law 110–417, section 3511, National Defense Authorization Act for FY 2009. MARAD has decided it would be more efficient to merge both efforts under one; RIN 2133–AB75 has been merged with this action.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dennis Brennan, Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–1029, *Email: dennis.brennan@dot.gov.*

RIN: 2133–AB74

[FR Doc. 2013–17066 Filed 7–22–13; 8:45 am]

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FEDERAL REGISTER

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Part XIV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY

31 CFR Subtitles A and B

Semiannual Agenda

AGENCY: Department of the Treasury.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order 12866 (''Regulatory Planning and Review''), which require the publication by the Department of a semiannual agenda of regulations.

FOR FURTHER INFORMATION CONTACT: The Agency contact identified in the item relating to that regulation.

SUPPLEMENTARY INFORMATION: The semiannual regulatory agenda includes regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or bureau review.

Beginning with the fall 2007 edition, the Internet has been the primary medium for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* and *www.regulations.gov,* in a format that offers users an enhanced ability to obtain information from the agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury's printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda available on the Internet.

The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

Dated: April 25, 2013.

Brian J. Sonfield,

Deputy Assistant General Counsel for General Law and Regulation.

INTERNAL REVENUE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
231	Reporting and Notice Requirements Under Section 6056	1545–BL26

INTERNAL REVENUE SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
232	Special Rules Under the Additional Medicare Tax	1545–BK54

INTERNAL REVENUE SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
233	Indoor Tanning Services; Cosmetic Services Excise Taxes	1545–BJ40

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Proposed Rule Stage

231. Reporting and Notice Requirements Under Section 6056

Legal Authority: 26 U.S.C. 7805; 26 U.S.C. 6056

Abstract: Proposed regulations under section 6056 of the Internal Revenue Code, as enacted by the Affordable Care Act, to provide guidance on rules that require applicable large employers to file certain information with the Internal Revenue Service on coverage under an eligible employer-sponsored health plan and furnish to individuals statements that set forth the information required to be reported to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ligeia M. Donis, General Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Room 4312, Washington, DC 20224, *Phone:* 202 622–0047, *Fax:* 202 622–5697, *Email: ligeia.m.donis@irscounsel.treas.gov.*

R. Lisa Mojiri-Azad, Senior Technician Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, *Phone:* 202 622–6060, *Email: lisa.mojiri-azad@irscounsel.treas.gov.*

RIN: 1545–BL26

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Final Rule Stage

232. Special Rules Under the Additional Medicare Tax

Legal Authority: 26 U.S.C. 3101; 26 U.S.C. 3102; 26 U.S.C. 6402; 26 U.S.C. 1401; 26 U.S.C. 6011; 26 U.S.C. 6205; 26 U.S.C. 6413; 26 U.S.C. 3111; 26 U.S.C. 3121; 26 U.S.C. 7805

Abstract: Proposed amendments of sections 31.3101, 31.3102, 31.3111, 31.3121, 1.1401, 31.6205, 31.6011, 31.6205, 31.6402, and 31.6413 of the Employment Tax Regulations provide guidance for employers and employees relating to the implementation of the Additional Medicare Tax, as enacted by the Affordable Care Act, and correction procedures for errors related to the Additional Medicare Tax.

Timetable:

Action	Date	FR Cite
NPRM	12/05/12	77 FR 72268
NPRM Comment Period End.	03/05/13	
Final Action	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew K. Holubeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Room 4010, Washington, DC 20224, *Phone:* 202 622–3841, *Fax:* 202 622–5697, *Email: andrew.k.holubeck@irscounsel.treas.gov.*

Ligeia M. Donis, General Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Room 4312, Washington, DC 20224, *Phone:* 202 622–0047, *Fax:* 202 622–5697, *Email: ligeia.m.donis@irscounsel.treas.gov.*

RIN: 1545–BK54

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Completed Actions

233. Indoor Tanning Services; Cosmetic Services Excise Taxes

Legal Authority: 26 U.S.C. 6302(c); 26 U.S.C. 5000B; 26 U.S.C. 7805

Abstract: Proposed regulations provide guidance on the indoor tanning services tax made by the Patient Protection and Affordable Care Act of 2010, affecting users and providers of indoor tanning services.

Completed:

Reason	Date	FR Cite
Final Action—TD 9621.	06/11/13	78 FR 34874

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael H. Beker, *Phone:* 202 622–3130, *Fax:* 202 622–4537, *Email: michael.h.beker@irscounsel.treas.gov*

RIN: 1545–BJ40

[FR Doc. 2013–17067 Filed 7–22–13; 8:45 am]

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Part XV

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities, which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised by the agency during the coming months as a result of action taken by the Board.

ADDRESSES: Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact James J. Raggio, General Counsel, (202) 272–0040 (voice) or (202) 272–0062 (TTY).

James J. Raggio,

General Counsel.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
234	Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way	3014–AA26

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
235	Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels	3014–AA11

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Final Rule Stage

234. Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

Legal Authority: 42 U.S.C. 12204, Americans With Disabilities Act; 29 U.S.C. 792, Rehabilitation Act

Abstract: This rulemaking would establish accessibility guidelines to ensure that sidewalks, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation and use constructed or altered in the public right-of-way by State or local governments are accessible to and usable by individuals with disabilities. The rulemaking in RIN 3014–AA41 that would establish accessibility guidelines for shared use paths that are designed for bicyclists and pedestrians and are used for transportation and recreation purposes is merged with this rulemaking. A second notice of proposed rulemaking (Second NPRM) would propose to add provisions for shared use paths to the accessibility guidelines for pedestrian facilities in the public right-of-way. The U.S. Department of Justice, U.S. Department of Transportation, and other Federal agencies are expected to adopt the accessibility guidelines for pedestrian facilities in the public right-of-way as enforceable standards in separate rulemakings for the construction and alteration of facilities covered by the Americans With Disabilities Act, section 504 of the Rehabilitation Act, and the Architectural Barriers Act.

Timetable:

Action	Date	FR Cite
Notice of Intent to Form Advisory Committee.	08/12/99	64 FR 43980
Notice of Appointment of Advisory Committee Members.	10/20/99	64 FR 56482
Availability of Draft Guidelines.	06/17/02	67 FR 41206
Availability of Draft Guidelines.	11/23/05	70 FR 70734
NPRM	07/26/11	76 FR 44664
NPRM Comment Period End.	11/23/11	
Notice Reopening Comment Period.	12/05/11	76 FR 75844
NPRM Comment Period End.	02/02/12	
Second NPRM	02/13/13	78 FR 10110
Second NPRM Comment Period End.	05/14/13	
Final Action	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: raggio@access-board.gov.*

RIN: 3014–AA26

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Long-Term Actions

235. Americans With Disabilities Act (Ada) Accessibility Guidelines for Passenger Vessels

Legal Authority: 42 U.S.C. 12204, Americans With Disabilities Act of 1990

Abstract: This rulemaking would establish accessibility guidelines to ensure that newly constructed and altered passenger vessels covered by the Americans With Disabilities Act (ADA) are accessible to and usable by individuals with disabilities. The U.S. Department of Transportation and U.S. Department of Justice are expected to adopt the guidelines as enforceable standards in separate rulemakings for the construction and alteration of passenger vessels covered by the ADA.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Advisory Committee.	03/30/98	63 FR 15175
Establishment of Advisory Committee.	08/12/98	63 FR 43136
Availability of Draft Guidelines.	11/26/04	69 FR 69244
ANPRM	11/26/04	69 FR 69246
Comment Period Extended.	03/22/05	70 FR 14435
ANPRM Comment Period End.	07/28/05	

Action	Date	FR Cite
Availability of Draft Guidelines.	07/07/06	71 FR 38563
Notice of Intent to Establish Advisory Committee.	06/25/07	72 FR 34653
Establishment of Advisory Committee.	08/13/07	72 FR 45200
NPRM	06/25/13	78 FR 38102
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: raggio@access-board.gov.*

RIN: 3014–AA11

[FR Doc. 2013–17171 Filed 7–22–13; 8:45 am]

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Part XVI

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[EPA–HQ–OAR–2012–0313; EPA–HQ–OW–2012–0813; EPA–HQ–OAR–2012–0816; FRL 9808–7]

Spring 2013 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-Agenda) at *http://www.reginfo.gov* and at *www.regulations.gov* to update the public about:

- Regulations and major policies currently under development,
- Reviews of existing regulations and major policies, and
- Rules and major policymakings completed or canceled since the last agenda.

Definitions

''E-Agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register** but now is only available through an online database.

''Regulatory Flexibility Agenda'' refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. We continue to publish it in the **Federal Register** because it is required by the Regulatory Flexibility Act of 1980.

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the General Services Administration.

''Regulatory Agenda Preamble'' refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both the Regulatory Flexibility Agenda and the e-Agenda.

''Regulatory Development and Retrospective Review Tracker'' refers to an online portal to EPA's priority rules and retrospective reviews of existing regulations. More information about the Regulatory Development and Retrospective Review Tracker appears in section H of this preamble.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the semiannual regulatory agenda, please contact: Caryn Muellerleile (*muellerleile.caryn@epa.gov;* 202–564–2855).

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SUPPLEMENTARY INFORMATION:

A. Links To EPA's Regulatory Information

- Semiannual Regulatory Agenda: *www.reginfo.gov* and *www.regulations.gov*
- Semiannual Regulatory Flexibility Agenda: *http://www.gpo.gov/fdsys/search/home.action*
- Regulatory Development and Retrospective Review Tracker: *www.epa.gov/regdarrt*

B. What key statutes and Executive Orders guide EPA's rule and policymaking process?

A number of environmental laws authorize EPA's actions, including but not limited to:

- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

Not only must EPA comply with environmental laws, but also administrative legal requirements that apply to the issuance of regulations, such as: the Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous executive orders: 12866, ''Regulatory Planning and Review'' (58 FR 51735, Oct. 4, 1993), as supplemented by Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, Jan. 21, 2011); 12898, ''Environmental Justice'' (59 FR 7629, Feb. 16, 1994); 13045, ''Children's Health Protection'' (62 FR 19885, Apr. 23, 1997); 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999); 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, Nov. 9, 2000); 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

In addition to meeting its mission goals and priorities as described above, EPA has begun reviewing its existing regulations under Executive Order (EO) 13563, ''Improving Regulation and Regulatory Review.'' This EO provides for periodic retrospective review of existing significant regulations and is intended to determine whether any such regulations should be modified, streamlined, expanded, or repealed, so as to make the Agency's regulatory program more effective or less burdensome in achieving the regulatory objectives. More information about this review is described in EPA's Statement of Priorities in the Regulatory Plan.

C. How can you be involved in EPA's rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed rules published in the **Federal Register** (FR).

Instructions on how to submit your comments are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position and you also should explain why EPA should

incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

EPA believes its actions will be more cost effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to problems. EPA encourages you to become involved in its rule and policymaking process. For more information about public involvement in EPA activities, please visit *www.epa.gov/open.*

D. What Actions Are Included in the E-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations and certain major policy documents in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the CAA: Revisions to State implementation plans, equivalent methods for ambient air quality monitoring, deletions from the new source performance standards source categories list, delegations of authority to States, area designations for air quality planning purposes;
- Under FIFRA: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under RCRA: Authorization of State solid waste management plans, hazardous waste delisting petitions;
- Under the CWA: State Water Quality Standards, deletions from the section 307(a) list of toxic pollutants, suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES), delegations of NPDES authority to States;
- Under SDWA: Actions on State underground injection control programs.

The Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities,
- Rules the Agency has identified for periodic review under section 610 of the RFA.

EPA is conducting one 610 review in spring 2013 and concluding two others.

E. How is the E-Agenda organized?

You can choose how to organize the agenda entries online by specifying the characteristics of the entries of interest in the desired individual data fields for both the *www.reginfo.gov* and *www.regulations.gov* versions of the e-Agenda. You can sort based on the following characteristics: EPA subagency; stage of rulemaking, which is explained below; alphabetically by title; and by the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Each entry in the agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Prerule Stage—This section includes EPA actions generally intended to determine whether the agency should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as Advance Notices of Proposed Rulemaking (ANPRMs), studies or analyses of the possible need for regulatory action.
2. Proposed Rule Stage—This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings [NPRMs]).
3. Final Rule Stage—This section includes rules that will be issued as a final rule within a year.
4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action is after July 2014. We urge you to explore becoming involved even if an action is listed in the Long-Term category. By the time an action is listed in the Proposed Rules category you may have missed the opportunity to participate in certain public meetings or policy dialogues.
5. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the fall 2012 Agenda. It also includes actions that EPA is no longer considering and has elected to ''withdraw.'' EPA also announces the results of any RFA section 610 review in this section of the agenda.

F. What information is in the Regulatory Flexibility Agenda and the E-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule, and Contact Person. Note that the electronic version of the Agenda (E-Agenda) has more extensive information on each of these actions.

E-Agenda entries include:

Title: A brief description of the subject of the regulation. The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

Priority: Entries are placed into one of five categories described below.

a. Economically Significant: Under Executive Order 12866, a rulemaking that may have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

b. Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or
3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

c. Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (e.g., certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget under Executive Order 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

e. Informational/Administrative/Other: An action that is primarily informational or pertains to an action

outside the scope of Executive Order 12866.

Major: A rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act.

Unfunded Mandates: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year.

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (Executive Order), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 12/00/13 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments, or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Energy Impacts: Indicates whether the action is a significant energy action under Executive Order 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and email address, if available, of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the Internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part. (Note: To submit comments on proposals, you can go to the associated electronic docket, which is housed at *www.regulations.gov.* Once there, follow the online instructions to access the docket in question and submit comments. A docket identification [ID] number will assist in the search for materials.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN identify the EPA office with lead responsibility for developing the action.

G. How can you find out about rulemakings that start up after the Regulatory Agenda is signed?

EPA posts monthly information of new rulemakings that the Agency's senior managers have decided to develop. This list is also distributed via email. You can find the current list, known as the Action Initiation List (AIL), at *http://www2.epa.gov/laws-regulations/actions-initiated-month* where you will also find information about how to get an email notification when a new list is posted.

H. What tools are available for mining Regulatory Agenda data and for finding more about EPA rules and policies?

1. The http://www.reginfo.gov Searchable Database

The Regulatory Information Service Center and Office of Information and Regulatory Affairs have a Federal regulatory dashboard that allows users to view the Regulatory Agenda database (*http://www.reginfo.gov/public/do/eAgendaMain*), which includes search, display, and data transmission options.

2. Subject Matter EPA Web Sites

Some actions listed in the Agenda include a URL that provides additional information about the action.

3. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically establishes a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to a particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for RFA section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at *www.regulations.gov.*

4. EPA's Regulatory Development and Retrospective Review Tracker

EPA's Regulatory Development and Retrospective Review Tracker (*www.epa.gov/regdarrt*) serves as a portal to EPA's priority rules, providing you with earlier and more frequently updated information about Agency regulations than is provided by the Regulatory Agenda. It also provides information about retrospective reviews of existing regulations. Not all of EPA's Regulatory Agenda entries appear on Reg DaRRT; only priority rulemakings can be found on this Web site.

I. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. EPA is conducting two 610 reviews in spring 2013 and is concluding one other.

Review title	RIN	Docket ID #
Section 610 Review of National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines Standards for Concentrated Animal Feeding Operations.	2040–AF46	EPA–HQ–OW–2012–0813
Section 610 Review of Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements.	2060–AR83	EPA–HQ–OAR–2012–0313
Section 610 Review of 610 Review of National Emissions Standards for Hazardous Air Pollutants (NESHAP): Reinforced Plastic Composites Production (Completed).	2060–AR84	EPA–HQ–OAR–2012–0816

EPA established an official public docket for the 610 Review under the docket identification (ID) numbers indicated above. All documents in the dockets are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available; e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air or Water dockets, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. 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.

J. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

For each of EPA's rulemakings, consideration is given whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit the RFA/SBREFA Web site at *http://www.epa.gov/sbrefa.*

For a list of the rules under development for which a Regulatory Flexibility Analysis may be required, go to *http://www.regulations.gov/public/component/main?main=UnifiedAgenda* and click on ''Regulatory Flexibility Analysis—Required'' toward the bottom of the page.

K. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face, and the regulatory agenda is an important part of that process.

Dated: April 24, 2013.

Shannon Kenny,

Principal Deputy Associate Administrator, Office of Policy.

10—Prerule Stage

Sequence No.	Title	Regulation Identifier No.
236	Section 610 Review of Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements **(Section 610 Review)**.	2060–AR83

10—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
237	SAN No. 5367 National Emission Standards for Hazardous Air Pollutants (NESHAP): Brick and Structural Clay Products Manufacturing and Clay Ceramics Manufacturing.	2060–AP69
238	Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces, and New Residential Masonry Heaters.	2060–AP93
239	Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards	2060–AQ86

10—Completed Actions

Sequence No.	Title	Regulation Identifier No.
240	Section 610 Review of National Emissions Standards for Hazardous Air Pollutants (NESHAP): Reinforced Plastic Composites Production **(Completion of a Section 610 Review)**.	2060–AR84

35—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
241	Formaldehyde Emissions Standards for Composite Wood Products	2070–AJ92

60—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
242	Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry.	2050–AG61

70—Prerule Stage

Sequence No.	Title	Regulation Identifier No.
243	Section 610 Review of National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines Standards for Concentrated Animal Feeding Operations **(Section 610 Review)**.	2040–AF46

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Prerule Stage

236. • Section 610 Review of Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements (Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: On January 18, 2001, EPA established new exhaust emission standards for heavy-duty highway engines and vehicles, and new quality standards for highway diesel fuel (66 FR 5002). Pursuant to section 610 of the Regulatory Flexibility Act, on October 31, 2012, EPA initiated a review of this rule to determine if the provisions as they relate to small entities should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities (77 FR 65840). EPA has solicited comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. The current heavy-duty engine and fuel standards program provided substantial flexibility for refiners, especially small refiners, and for manufacturers of engines and vehicles, and does not warrant revision at this time. The results of the EPA's review will be summarized in a report and placed in the rulemaking docket at the conclusion of this review. This review's Docket ID number is EPA–HQ–OAR–2012–0313; the docket can be accessed at *www.regulations.gov.*

Timetable:

Action	Date	FR Cite
Final Rule	01/18/01	66 FR 5002
Begin Review	10/31/12	77 FR 65840
End Review	10/00/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Tad Wysor, Environmental Protection Agency, Air and Radiation, USEPA, Ann Arbor, MI 48105, *Phone:* 734 214–4332, *Fax:* 734 214–4816, *Email: wysor.tad@epamail.epa.gov.*

RIN: 2060–AR83

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Proposed Rule Stage

237. National Emission Standards for Hazardous Air Pollutants (NESHAP): Brick and Structural Clay Products Manufacturing and Clay Ceramics Manufacturing

Legal Authority: Not Yet Determined

Abstract: This rulemaking will establish emission limits for hazardous air pollutants (HF, HCl, and metals) emitted from brick and clay ceramics kilns, as well as dryers and glazing operations at clay ceramics production facilities. The brick and structural clay products industry primarily includes facilities that manufacture brick, clay, pipe, roof tile, extruded floor and wall tile, and other extruded dimensional clay products from clay, shale, or a combination of the two. The manufacturing of brick and structural clay products involves mining, raw material processing (crushing, grinding, and screening), mixing, forming, cutting or shaping, drying, and firing. Ceramics are defined as a class of inorganic, nonmetallic solids that are subject to high temperature in manufacture and/or use. The clay ceramics manufacturing source category includes facilities that manufacture traditional ceramics, which include ceramic tile, dinnerware,

sanitary ware, pottery, and porcelain. The primary raw material used in the manufacture of these traditional ceramics is clay. The manufacturing of clay ceramics involves raw material processing (crushing, grinding, and screening), mixing, forming, shaping, drying, glazing, and firing.

Timetable:

Action	Date	FR Cite
NPRM	02/00/14	
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Telander, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711, *Phone:* 919 541–5427, *Fax:* 919 541–5600, *Email: telander.jeff@epamail.epa.gov.*

Keith Barnett, Environmental Protection Agency, Air and Radiation, D243–04, Research Triangle Park, NC 27711, *Phone:* 919 541–5605, *Fax:* 919 541–5450, *Email: barnett.keith@epa.gov.*

RIN: 2060–AP69

238. Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces, and New Residential Masonry Heaters

Legal Authority: CAA sec 111(b)(1)(B)

Abstract: EPA is revising the New Source Performance Standards (NSPS) for new residential wood heaters. This action is necessary because it updates the 1988 NSPS to reflect significant advancements in wood heater technologies and design, broadens the range of residential wood-heating appliances covered by the regulation, and improves and streamlines implementation procedures. This rule is expected to require manufacturers to redesign wood heaters to be cleaner and lower emitting. In general, the design changes would also make the heaters perform better and be more efficient. The revisions are also expected to streamline the process for testing new model lines by allowing the use of International Standards Organization (ISO)-accredited laboratories and certifying bodies, which will expand the number of facilities that can be used for testing and certification of the new model lines. This action is expected to include the following new residential wood-heating appliances: Adjustable burn rate wood heaters, pellet stoves, single burn rate wood heaters, outdoor hydronic heaters (outdoor wood boilers), indoor hydronic heaters (indoor wood boilers), wood-fired forced air furnaces, and masonry heaters.

These standards would apply only to new residential wood heaters and not to existing residential wood-heating appliances.

Timetable:

Action	Date	FR Cite
NPRM	09/00/13	
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gil Wood, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711, *Phone:* 919 541–5272, *Fax:* 919 541–0242, *Email: wood.gil@epa.gov.*

David Cole, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711, *Phone:* 919 541–5565, *Fax:* 919 541–0242, *Email: cole.david@epa.gov.*

RIN: 2060–AP93

239. Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards

Legal Authority: CAA 202(a) and 211(v); Clean Air Act 211(k)

Abstract: This action would establish more stringent vehicle emissions standards and reduce the sulfur content of gasoline as part of a systems approach to addressing the impacts of motor vehicles and fuels on air quality and public health. The rule would result in significant reductions in pollutants such as ozone, particulate matter, and air toxics across the country and help State and local agencies in their efforts to attain and maintain health-based National Ambient Air Quality Standards. These proposed vehicle standards are intended to harmonize with California's Low Emission Vehicle program, thus creating a federal vehicle emissions program that would allow automakers to sell the same vehicles in all 50 states. The vehicle standards would also coordinate with the light-duty vehicle greenhouse gas standards for model years 2017–2025, creating a nationwide alignment of vehicle programs for criteria pollutant and greenhouse gases.

Timetable:

Action	Date	FR Cite
NPRM	05/21/13	78 FR 29815
NPRM Comment Period End.	07/01/13	
Final Rule	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Catherine Yanca, Environmental Protection Agency, Air and Radiation, NVFEL S87, Ann Arbor, MI 48105, *Phone:* 734 214–4769, *Email: yanca.catherine@epamail.epa.gov.*

Kathryn Sargeant, Environmental Protection Agency, Air and Radiation, NVFEL S77, Ann Arbor, MI 48105, *Phone:* 734 214–4441, *Email: sargeant.kathryn@epamail.epa.gov.*

RIN: 2060–AQ86

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Completed Actions

240. • Section 610 Review of National Emissions Standards for Hazardous Air Pollutants (NESHAP): Reinforced Plastic Composites Production (Completion of a Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: On April 21, 2003, EPA promulgated NESHAP for reinforced plastic composites production (68 FR 19375). Pursuant to section 610 of the Regulatory Flexibility Act, on October 31, 2012, EPA initiated a review of this rule to determine if the provisions as they relate to small entities should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities (77 FR 65840). EPA has solicited comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. The current reinforced plastic composites rule provides for HAP reductions without undue burden on small entities, and does not warrant revision at this time. See EPA's report summarizing the results of this review in the docket EPA–HQ–OAR–2012–0816. This docket can be accessed at *www.regulations.gov.*

Timetable:

Action	Date	FR Cite
Final Rule	04/21/03	68 FR 19375
Begin Review	10/31/12	77 FR 65840
End Review	04/18/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Kim Teal, Environmental Protection Agency, Air

and Radiation, D243–04, Research Triangle Park, NC 27711, *Phone:* 919 541–5580, *Fax:* 919 541–5450, *Email: teal.kim@epamail.epa.gov.*

Keith Barnett, Environmental Protection Agency, Air and Radiation, D243–04, Research Triangle Park, NC 27711, Phone: 919 541–5605, *Fax:* 919 541–5450, *Email: barnett.keith@epa.gov.*

RIN: 2060–AR84

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Long-Term Actions

241. Formaldehyde Emissions Standards for Composite Wood Products

Legal Authority: 15 U.S.C. 2697; TSCA sec 601

Abstract: On July 7, 2010, the Formaldehyde Standards for Composite Wood Products Act was enacted. This law amends TSCA to establish specific formaldehyde emission limits for hardwood plywood, particleboard, and medium-density fiberboard, which limits are identical to the California emission limits for these products. The law further requires EPA to promulgate implementing regulations and this rulemaking will address the mandate to promulgate regulations to implement the statutory formaldehyde emission standards for hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured (including imported) in the United States. As directed by the statute, EPA will also consider provisions relating to, among other things, laminated products, products made with no added formaldehyde resins, testing requirements, product labeling, chain of custody documentation and other recordkeeping requirements, and product inventory sell-through provisions. A separate Regulatory Agenda entry (RIN 2070–AJ44) covers the mandate for EPA to promulgate regulations to address requirements for accrediting bodies and third-party certifiers.

Timetable:

Action	Date	FR Cite
NPRM	06/10/13	78 FR 34820
NPRM Comment Period End.	08/09/13	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, *Phone:* 202 566–0484, *Email: wheeler.cindy@epa.gov.*

Lynn Vendinello, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, *Phone:* 202 566–0514, *Email: vendinello.lynn@epa.gov.*

RIN: 2070–AJ92

ENVIRONMENTAL PROTECTION AGENCY (EPA)

60

Proposed Rule Stage

242. Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry

Legal Authority: 42 U.S.C. 9601 *et seq.;* 42 U.S.C. 9608(b)

Abstract: Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. The Agency has identified classes of facilities within the hard rock mining industry as those for which financial responsibility requirements will be first developed. EPA intends to include requirements for financial responsibility, as well as notification and implementation.

Timetable:

Action	Date	FR Cite
Notice	07/28/09	74 FR 37213
NPRM	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ben Lesser, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460, *Phone:* 703 308–0314, *Email: lesser.ben@epa.gov.*

David Hockey, Environmental Protection Agency, Solid Waste and Emergency Response, 5303P, Washington, DC 20460, *Phone:* 703 308–8846, *Email: hockey.david@epa.gov.*

RIN: 2050–AG61

ENVIRONMENTAL PROTECTION AGENCY (EPA)

70

Prerule Stage

243. • Section 610 Review of National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines Standards for Concentrated Animal Feeding Operations (Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: The EPA promulgated revised regulations for Concentrated Animal Feeding Operations (CAFOs) on February 12, 2003 (68 FR 7175). The ''2003 CAFO Rule'' expanded the number of operations covered by the CAFO regulations and included requirements to address the land application of manure from CAFOs. The 2003 CAFO Rule required all CAFOs to seek NPDES permit coverage. The EPA developed a Final Regulatory Flexibility Analysis (FRFA) for the 2003 CAFO Rule. The EPA took several steps to minimize the impacts of the 2003 CAFO Rule on small businesses, including regulatory revisions designed to focus on the largest producers, eliminating the ''mixed'' animal calculation for operations with more than a single animal type for determining which Animal Feeding Operations (AFOs) are CAFOs, raising the duck threshold for dry manure handling duck operations, and adopting a dry-litter chicken threshold higher than proposed. There have been a number of changes to the 2003 regulations due to court decisions based on legal challenges to the rulemaking, however, this action only pertains to the 2003 rule. Pursuant to section 610 of the Regulatory Flexibility Act, on October 31, 2012, the EPA initiated a review of the 2003 CAFO rule to determine if the provisions as they relate to small entities should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities (77 FR 65840). The EPA has solicited comments on, and will consider, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. After publication, the EPA received requests for additional time to submit comments and extended the public comment period until March

1, 2013 (78 FR 277). The results of the EPA's review will be summarized in a report and placed in the rulemaking docket at the conclusion of this review. This review's Docket ID number is EPA–HQ–OW–2012–0813; the docket can be accessed at *www.regulations.gov.*

Timetable:

Action	Date	FR Cite
Final Rule	02/12/03	68 FR 7176
Begin Review	10/31/12	77 FR 65840
Comment Period Extended.	01/03/13	78 FR 277
End Review	10/00/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Hema Subramanian, Environmental Protection Agency, Water, 4203M, Washington, DC 20460, *Phone:* 202 564–5041, *Fax:* 202 564–6384, *Email: subramanian.hema@epa.gov.*

RIN: 2040–AF46

[FR Doc. 2013–17068 Filed 7–22–13; 8:45 am]

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Part XVII

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 102 and 303

48 CFR Ch. 5

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the fall 2012 edition. This agenda was developed under the guidelines of Executive Order 12866 ''Regulatory Planning and Review.'' GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. Proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.regulations.gov.*

Since the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA's regulatory plan.

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Division Director, Regulatory Secretariat Division at (202) 501–4755.

Dated: June 25, 2013.

Laura Auletta,

Acting Associate Administrator, Office of Governmentwide Policy.

GENERAL SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
244	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2012–G501; Electronic Contracting Initiative.	3090–AJ36

GENERAL SERVICES ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
245	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2006–G507, Rewrite of Part 538, Federal Supply Schedule Contracting.	3090–AI77

General Services Administration (GSA)

Proposed Rule Stage

Office of Acquisition Policy

244. • General Services Administration Acquisition Regulation (GSAR); GSAR Case 2012–G501; Electronic Contracting Initiative

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to add cause 552.238–81, Modifications (Federal Supply Schedule), and an Alternate I version of the clause that will require electronic submission of modifications under Federal Supply Schedule contracts managed by GSA. The public reporting burdens associated with both the basic and Alternate I clauses are also being updated.

Timetable:

Action	Date	FR Cite
NPRM	05/28/13	78 FR 31879
NPRM Comment Period End.	07/29/13	
Final Rule	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana L. Munson, Procurement Analyst, General Services Administration, 1275 First Street NE., Washington, DC 20417, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov.*

RIN: 3090–AJ36

GENERAL SERVICES ADMINISTRATION (GSA)

Completed Actions

245. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2006–G507, Rewrite of Part 538, Federal Supply Schedule Contracting

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to revise sections of GSAR part 538 that provide requirements for Federal Supply Schedule Contracting actions. Areas in the rewrite include the following: subpart 538.1, Definitions; subpart 538.4, Administrative Matters; subpart 538.7, Acquisition Planning; subpart 538.9, Contractor Qualifications; subpart 538.12, Acquisition of Commercial Items-FSS; subpart 538.15, Negotiation and Award of Contracts; subpart 538.17, Administration of Evergreen Contracts;

subpart 538.19, FSS and Small Business Programs; subpart 538.25, Requirements for Foreign Entities; subpart 538.42, Contract Administration and subpart 538.43, Contract Modifications. This case is included in GSA's retrospective review of existing regulations under E.O. 13563. Additional information is located in GSA's retrospective review (2013), available at: *www.gsa.gov/improvingregulations.*

Completed:

Timetable:

Reason	Date	FR Cite
Withdrawn	12/28/12	77 FR 76446

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana L. Munson, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov.*

RIN: 3090–AI77

[FR Doc. 2013–17070 Filed 7–22–13; 8:45 am]

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Part XVIII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of the knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESSES: Acting Assistant Administrator for Office of Internal Controls and Management Systems, Office of Mission Support Directorate, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Cheryl E. Parker, (202) 358–0252.

SUPPLEMENTARY INFORMATION: OMB guidelines dated March 28, 2012, ''Spring 2013 Unified Agenda of Federal Regulatory and Deregulatory Actions,'' require a regulatory agenda of those regulations under development and review to be published in the **Federal Register** each spring and fall.

Dated: April 24, 2013.

Nancy Anne Baugher,

Director for Office of Internal Controls and Management Systems.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
246	Nondiscrimination on Basis of Handicap **(Section 610 Review)**	2700–AD85

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Proposed Rule Stage

246. Nondiscrimination on Basis of Handicap (Section 610 Review)

Legal Authority: 29 U.S.C. 794, sec 504 of the Rehabilitation Act of 1973, amended

Abstract: This proposed rule amends 14 CFR 1251 to align with the Department of Justice's (DOJ) implementing regulations incorporating the new accessibility standards. Other amendments include updates to organizational information, use of the term ''disability'' in lieu of the term ''handicap,'' changes to definitions, and other sections based on the Americans with Disabilities Act of 2008.

Part 1251 implements the federally assisted provisions of section 504 of the Rehabilitation Act of 1973 (section 504), as amended, 29 U.S.C. section 794, which prohibits discrimination on the basis of disability by recipients of Federal Financial Assistance from NASA. Under Executive Order 12250, the United States Attorney General has the authority to coordinate the implementation and enforcement of a variety of civil rights statutes by Federal agencies such as NASA, including section 504.

The revisions to this rule are part of NASA's retrospective plan under Executive Order 13563 completed in August 2011. NASA's full plan can be accessed at: *http://www.nasa.gov/open.*

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Robert W. Cosgrove, External Compliance Manager, National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20546, *Phone:* 202 358–0446, *Fax:* 202 358–3336, *Email: robert.cosgrove@nasa.gov.*

RIN: 2700–AD85

[FR Doc. 2013–17072 Filed 7–22–13; 8:45 am]

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Part XIX

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This Regulatory Agenda is a semiannual summary of all current and projected rulemakings and completed actions of the Small Business Administration (SBA). SBA expects that this summary information will enable the public to be more aware of, and effectively participate in, SBA's regulatory activity. SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments or inquiries to Imelda A. Kish, Law Librarian, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 205–6849, *imelda.kish@sba.gov.*

Specific

Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: SBA provides this notice under the requirements of the Regulatory Flexibility Act, 5 U.S.C. sections 601 to 612 and Executive Order 12866 ''Regulatory Planning and Review,'' which require each agency to publish a semiannual agenda of regulations. The Regulatory Agenda is a summary of all current and projected Agency rulemakings, as well as actions completed since the publication of the last Regulatory Agenda. SBA's last Semiannual Regulatory Agenda was published on January 8, 2013, at 78 FR 1636. The Semiannual Agenda of the SBA conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Beginning with the fall 2007 edition, the Unified Agenda has been disseminated via the Internet. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that greatly enhances a user's ability to obtain information about the rules in SBA's Agenda.

The Regulatory Flexibility Act requires Federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. Therefore, SBA's printed agenda entries include regulatory actions that are in the SBA's regulatory flexibility agenda. A regulatory flexibility agenda contains, among other things, ''a brief description of the subject area of any rule . . . which is likely to have a significant economic impact on a substantial number of small entities.'' Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Dated: April 25, 2013.

Karen G. Mills,

Administrator.

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
247	Small Business Development Centers (SBDC) Program Revisions	3245–AE05
248	SBA Express Loan Program; Export Express Program	3245–AF85
249	Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Expedited Disaster Assistance Program.	3245–AF88
250	Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Private Loan Disaster Program.	3245–AF99
251	Women's Business Center Program	3245–AG02
252	Small Business Jobs Act: Small Business Size Standards; Alternative Size Standard for 7(a) and 504 Business Loan Programs.	3245–AG16
253	Small Business Mentor-Protege Programs	3245–AG24
254	Small Business HUBZone Program	3245–AG38
255	Agent Revocation and Suspension Procedures	3245–AG40
256	Small Business Size Standards: Employee Based Size Standards for Wholesale Trade and Retail Trade	3245–AG49
257	Small Business Size Standards for Manufacturing	3245–AG50
258	Small Business Size Standards for Other Industries With Employee-Based Size Standards Not Part of Manufacturing Wholesale Trade or Retail Trade.	3245–AG51

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
259	Lender Oversight Program	3245–AE14
260	Small Business Technology Transfer (STTR) Policy Directive	3245–AF45
261	Small Business Innovation Research (SBIR) Program Policy Directive	3245–AF84
262	504 and 7(a) Loan Programs Updates	3245–AG04
263	Acquisition Process: Task and Delivery Order Contracts, Bundling, Consolidation	3245–AG20
264	Small Business Subcontracting	3245–AG22
265	Small Business Size and Status Integrity	3245–AG23
266	Small Business Size Standards for Utilities	3245–AG25
267	Small Business Size Standards: Construction	3245–AG37

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
268	Small Business Size Standards: Arts, Entertainment, and Recreation	3245–AG36
269	Small Business Size Standards: Agriculture, Forestry, Fishing, and Hunting	3245–AG43
270	Small Business Size Standards: Support Activities for Mining	3245–AG44
271	Small Business Size Standards: Finance and Insurance; Management of Companies and Enterprises	3245–AG45
272	Small Business Size Regulations, Small Business Innovation Research (SBIR) Program and Small Business Technology Transfer (STTR) Program.	3245–AG46

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

247. Small Business Development Centers (SBDC) Program Revisions

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: This rule would update Small Business Development Center (SBDC) program regulations by amending among other things: (1) Procedures for approving and funding of SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new and renewal applications for SBDC awards, including the requirements for electronic submission through the approved electronic Government submission facility; and (5) provisions regarding the collection and use of individual SBDC client data.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John C. Lyford, Deputy Associate Administrator, Office of Small Development Centers, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7159, *Fax:* 202 481–2613, *Email: chancy.lyford@sba.gov.*

RIN: 3245–AE05

248. SBA Express Loan Program; Export Express Program

Legal Authority: 15 U.S.C. 636(a)(31) and (35)

Abstract: SBA plans to issue regulations for the SBA Express loan program codified in section 7(a)(31) of the Small Business Act. The SBA Express loan program reduces the number of Government mandated forms and procedures, streamlines the processing and reduces the cost of smaller, less complex SBA loans. Particular features of the SBA Express loan program include: (1) SBA Express loans carry a maximum SBA guaranty of 50 percent; (2) a response to an SBA Express loan application will be given within 36 hours; (3) lenders and borrowers can negotiate the interest rate, which may not exceed SBA maximums; and (4) qualified lenders may be granted authorization to make eligibility determinations. SBA also plans to issue regulations for the Export Express Program codified at 7(a)(35) of the Small Business Act. The Export Express Program, made permanent by the Small Business Jobs Act, makes guaranteed financing available for export development activities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael A. Simmons, Acting Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7562, *Fax:* 202 481–0248, *Email: michael.simmons@sba.gov.*

RIN: 3245–AF85

249. Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Expedited Disaster Assistance Program

Legal Authority: 15 U.S.C. 636(j)

Abstract: This proposed rule would establish and implement an expedited disaster assistance business loan program under which the SBA will guarantee short-term loans made by private lenders to eligible small businesses located in a catastrophic disaster area. The maximum loan amount is $150,000, and SBA will guarantee timely payment of principal and interest to the lender. The maximum loan term will be 180 days, and the interest rate will be limited to 300 basis points over the Federal funds rate.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael A. Simmons, Acting Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7562, *Fax:* 202 481–0248, *Email: michael.simmons@sba.gov.*

RIN: 3245–AF88

250. Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Private Loan Disaster Program

Legal Authority: 15 U.S.C. 636

Abstract: This proposed rule would establish and implement a private disaster loan program under which SBA will guarantee loans made by qualified lenders to eligible small businesses and homeowners located in a catastrophic disaster area. Private disaster loans made under this programs will have the same terms and conditions as SBA's direct disaster loans. In addition, SBA will guarantee timely payment of principal and interest to the lender. SBA may guarantee up to 85 percent of any loan under this program and the maximum loan amount is $2 million.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael A. Simmons, Acting Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7562, *Fax:* 202 481–0248, *Email: michael.simmons@sba.gov.*

RIN: 3245–AF99

251. Women's Business Center Program

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 656

Abstract: SBA's Office of Women's Business Ownership (OWBO) oversees a network of SBA-funded Women's Business Centers (WBCs) throughout the United States and its territories. WBCs provide management and technical assistance to small business concerns both nascent and established, with a focus on such businesses that are owned and controlled by women, or on women planning to start a business, especially women who are economically or socially disadvantaged. The training and counseling provided by the WBCs encompass a comprehensive array of topics, such as finance, management and marketing in various languages. This rule would propose to codify the requirements and procedures that govern the delivery, funding and evaluation of the management and technical assistance provided under the WBC Program. The rule would address, among other things, the eligibility criteria for selection as a WBC, use of Federal funds, standards for effectively carrying out program duties and responsibilities, and the requirements for reporting on financial and programmatic performance.

Timetable:

Action	Date	FR Cite
NPRM	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bruce D. Purdy, Acting Assistant Administrator, Office of Women's Business Ownership, Small Business Administration, *Phone:* 202 205–7532, *Email: bruce.purdy@sba.gov.*

RIN: 3245–AG02

252. Small Business Jobs Act: Small Business Size Standards; Alternative Size Standard for 7(a) and 504 Business Loan Programs

Legal Authority: Pub. L. 111–240, sec 1116

Abstract: SBA will amend its size eligibility criteria for Business Loans and for development company loans under title V of the Small Business Investment Act (504). For the SBA 7(a) Business Loan Program, the amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. For the 504 Program, the amendments will increase the current alternative standard for applicants for 504 loans. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until the SBA's Administrator establishes other alternative size standards. This interim final rule will be effective when published because the alternative size standards that the Jobs Act established were effective September 27, 2010, the date of its enactment. These alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG16

253. Small Business Mentor-Protege Programs

Legal Authority: Pub. L. 111–240; sec 1347; 15 U.S.C. 657r

Abstract: SBA currently has a mentor-protege program for the 8(a) Business Development Program that is intended to enhance the capabilities of the protege and to improve its ability to successfully compete for Federal contracts. The Small Business Jobs Act authorized SBA to use this model to establish similar mentor-protege programs for the Service Disabled Veteran-Owned, HUBZone, and Women-Owned Small Federal Contract Business Programs and the National Defense Authorization Act for Fiscal Year 2013 authorized this for all small businesses. This authority is consistent with recommendations issued by an interagency task force created by President Obama on Federal Contracting Opportunities for Small Businesses. During the next 12 months, SBA will make it a priority to issue regulations establishing the three newly authorized mentor-protege programs and set out the standards for participating as a mentor or protege in each. As is the case with the current mentor-protege program, the various forms of assistance that a mentor will be expected to provide to a protege include technical and/or management assistance; financial assistance in the form of equity investment and/or loans; subcontracts; and/or assistance in performing prime contracts with the Government in the form of joint venture arrangements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7322, *Fax:* 202 481–1540, *Email: dean.koppel@sba.gov.*

RIN: 3245–AG24

254. Small Business HUBZone Program

Legal Authority: 15 U.S.C. 657a

Abstract: SBA has been reviewing its processes and procedures for implementing the HUBZone program and has determined that several of the regulations governing the program should be amended in order to resolve certain issues that have arisen. As a result, the proposed rule would constitute a comprehensive revision of part 126 of SBA's regulations to clarify current HUBZone Program regulations, and implement various new procedures. The amendments will make it easier for participants to comply with the program requirements and enable them to maximize the benefits afforded by participation. In developing this proposed rule, SBA will focus on the principles of Executive Order 13563 to determine whether portions of regulations should be modified, streamlined, expanded or repealed to make the HUBZone program more effective and/or less burdensome on small business concerns. At the same time, SBA will maintain a framework that helps identify and reduce waste, fraud, and abuse in the program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mariana Pardo, Director, Office of Hubzone, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 205–2985, *Email: mariana.pardo@sba.gov.*

RIN: 3245–AG38

255. Agent Revocation and Suspension Procedures

Legal Authority: Not Yet Determined

Abstract: These changes to 13 CFR sections 103, 134, and 2 CFR 2700 lay out a procedural process for SBA's revocation of the privilege of agents to conduct business with the Agency.

Included in this process are procedure for proposed revocation, the opportunity to object to the proposed revocation, the revocation decision, as well as requests for reconsideration. These procedures also provide for suspension of the privilege to conduct business with the Agency pending a revocation action. In addition, these changes remove Office of Hearings and Appeals review of suspension, revocation, and debarment actions by SBA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christopher J. McClintock, Trial Attorney, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 205–7715, *Email: christoper.mcclintock@sba.gov*

RIN: 3245–AG40

256. Small Business Size Standards: Employee Based Size Standards for Wholesale Trade and Retail Trade

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry in North American Industry Classification System (NAICS) Sector 42, Wholesale Trade, and Sector 44–45, Retail Trade and revised these employee-based size standards for certain industries in those sectors. This is one of the rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size*, to this purposed rule.

NOTE: The title for this rule has been changed since the rule was first reported in the Regulatory Agenda on January 8, 2013, from ''Small Business Size Standards for Wholesale Trade'' to ''Small Business Size Standards: Employee Based Size Standards for Wholesale Trade and Retail Trade.'' The title was changed to make it clear that the rule also addresses industries with employee based size standards in Retail Trade.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*

RIN: 3245–AG49

257. Small Business Size Standards for Manufacturing

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry in North American Industry Classification System (NAICS) Sector 31–33, Manufacturing, and revised these employee-based size standards for certain industries in the sector. This is one of the rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size*, to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG50

258. Small Business Size Standards for Other Industries With Employee-Based Size Standards Not Part of Manufacturing Wholesale Trade or Retail Trade

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry that has an employee-based standard but is not part of North American Industry Classification System (NAICS) Sector 31–33, Manufacturing, Sector 42, Wholesale Trade, or Sector 44–45, Retail Trade and revised size standards for some of those industries. This is one of the rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this proposed rule.

Please Note: The title for this rule has been changed since it was first announced in the Regulatory Agenda on January 8, 2013, to add the words ''or Retail Trade'' at the end of the previous title. This change makes it clear that industries in the retail trade with employee-based size standards are also not addressed in the rule.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG51

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

259. Lender Oversight Program

Legal Authority: 15 U.S.C. 634(b)(6),(b)(7),(b)(14),(h) and note; 687(f), 697e(c)(8), and 650

Abstract: This rule implements the Small Business Administration's (SBA) statutory authority under the Small Business Act to regulate Small Business Lending Companies (SBLCs) and non-federally regulated lenders (NFRLs). It also conforms SBA rules for the section 7(a) Business Loan Program and the Certified Development Company (CDC) Program.

In particular, this rule: (1) Defines SBLCs and NFRLs; (2) clarifies SBA's authority to regulate SBLCs and NFRLs; (3) authorizes SBA to set certain minimum capital standards for SBLCs, to issue cease and desist orders, and revoke or suspend lending authority of SBLCs and NFRLs; (4) establishes the Bureau of Premier Certified Lender Program Oversight in the Office of Credit Risk Management; (5) transfers existing SBA enforcement authority over CDCs from the Office of Financial Assistance to the appropriate official in the Office of Capital Access; and (6) defines SBA's oversight and enforcement authorities relative to all SBA lenders participating in the 7(a) and CDC programs and intermediaries in the Microloan program.

Timetable:

Action	Date	FR Cite
NPRM	10/31/07	72 FR 61752
NPRM Comment Period Extended.	12/20/07	72 FR 72264
NPRM Comment Period End.	02/29/08	
Interim Final Rule	12/11/08	73 FR 75498
Interim Final Rule Comment Period End.	03/11/09	
Interim Final Rule Effective.	01/12/09	
Final Rule	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brent Ciurlino, Director, Office of Credit Risk Management, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 205–6538, *Email: brent.ciurlino@sba.gov.*

RIN: 3245–AE14

260. Small Business Technology Transfer (STTR) Policy Directive

Legal Authority: 15 U.S.C. 638(p); Pub. L. 112–81, sec 5001, *et seq.*

Abstract: The amendments to the Small Business Technology Transfer (STTR) Policy Directive cover, in general: extension of the program through 2017; increase in percentage of extramural research and development budget reserved for program; annual adjustment of award guidelines for inflation; authority for SBIR awardees to receive STTR awards and vice versa; prevention of duplicate awards; requirements for agencies to allow business concerns owned by multiple venture capital operating companies, hedge funds or private equity firms to participate in the program; authority for small businesses to contract with Federal laboratory and restrictions on advanced payment to laboratories; technical assistance amendments; commercialization readiness and commercialization readiness pilot for civilian agencies; additional annual report and data collection requirements; and funding for administration and oversight of programs.

Timetable:

Action	Date	FR Cite
Notice	08/06/12	77 FR 46855
Notice Effective	08/06/12	77 FR 46855
Comment Period End.	10/05/12	
Final Action	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edsel M. Brown Jr., Assistant Director, Office of Innovation, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6450, *Email: edsel.brown@sba.gov.*

RIN: 3245–AF45

261. Small Business Innovation Research (SBIR) Program Policy Directive

Legal Authority: 15 U.S.C. 638(j); Pub. L. 112–81, sec 5001, *et seq.*

Abstract: The amendments to the Small Business Innovation Research Policy Directive cover, in general: extension of the program through 2017; increase in percentage of extramural research and development budget reserved for program; annual adjustment of award guidelines for inflation; authority for SBIR awardees to receive STTR awards and vice versa; prevention of duplicate awards; requirements for agencies to allow business concerns owned by multiple venture capital operating companies, hedge funds or private equity firms to participate in the program; authority for small businesses to contract with Federal laboratory and restrictions on advanced payment to laboratories; technical assistance amendments; commercialization readiness and commercialization readiness pilot for civilian agencies; additional annual report and data collection requirements; and funding for administration and oversight of programs.

Timetable:

Action	Date	FR Cite
Notice	08/06/12	77 FR 46806
Notice Effective	08/06/12	77 FR 46806
Comment Period End.	10/05/12	
Final Action	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edsel M. Brown Jr., Assistant Director, Office of Innovation, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6450, *Email: edsel.brown@sba.gov.*

RIN: 3245–AF84

262. 504 and 7(a) Loan Programs Updates

Legal Authority: 15 U.S.C. 695 *et seq.,* 15 U.S.C. 636

Abstract: The 7(a) Loan Program and 504 Loan Program are SBA's two primary business loan programs authorized under the Small Business Act and the Small Business Investment Act of 1958, respectively. The 7(a) Loan Program's main purpose is to help eligible small businesses obtain credit when they cannot obtain ''credit elsewhere.'' This program is also an important engine for job creation. On the other hand, the core mission of the 504 Loan Program is to provide long-term fixed asset financing to small businesses to facilitate the creation of jobs and local economic development. The purpose of this proposed rulemaking is to reinvigorate these programs as vital tools for creating and preserving American jobs. SBA proposes to strip away regulatory restrictions that detract from the 504 Loan Program's core job creation mission as well as the 7(a) Loan Program's positive job creation impact on the American economy. The proposed changes would enhance job creation through increasing eligibility for loans under SBA's business loan programs, including its Microloan Program, and by modifying certain program participant requirements applicable to these two programs. The major changes that SBA is proposing include changes relating to affiliation principles, the personal resources test, the 9-month rule for the 504 Loan Program, and CDC operational and organizational requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/25/13	78 FR 12633
NPRM Comment Period End.	04/26/13	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John P. Kelley, Senior Advisor to the Associate Administrator, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–0067, *Fax:* 202 292–3844, *Email: patrick.kelley@sba.gov.*

RIN: 3245–AG04

263. Acquisition Process: Task and Delivery Order Contracts, Bundling, Consolidation

Legal Authority: Pub. L. 111–240; sec 1311; 1312; 1313; 1331

Abstract: The U.S. Small Business Administration (SBA) is issuing regulations that will establish guidance under which Federal agencies may set aside part of a multiple award contract for small business concerns, set aside orders placed against multiple award contracts for small business concerns, and reserve one or more awards for small business concerns under full and open competition for a multiple award contract. These regulations will apply to small businesses, including those small businesses eligible for SBA's socioeconomic programs. The

regulations will also set forth a Governmentwide policy on bundling, which will address teams and joint ventures of small businesses and the requirement that each Federal agency must publish on its Web site the rationale for any bundled contract. In addition, the regulations will address contract consolidation and the limitations on the use of such consolidation in Federal procurement to include ensuring that the head of a Federal agency may not carry out a consolidated contract over $2 million unless the Senior Procurement Executive or Chief Acquisition Officer ensures that market research has been conducted and determines that the consolidation is necessary and justified.

Timetable:

Action	Date	FR Cite
NPRM	05/16/12	77 FR 29130
NPRM Comment Period End.	07/16/12	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7322, *Fax:* 202 481–1540, *Email: dean.koppel@sba.gov.*

RIN: 3245–AG20

264. Small Business Subcontracting

Legal Authority: Pub. L. 111–240; sec 1321 and 1322; 1334

Abstract: These regulations address subcontracting compliance and the interrelationship between contracting offices, small business offices, and program offices relating to oversight and review activities. The regulation also addresses the statutory requirement that a large business prime contractor must represent that it will make good faith efforts to award subcontracts to small businesses at the same percentage as indicated in the subcontracting plan submitted as part of its proposal for a contract and that if the percentage is not met, the large business prime contractor must provide a written justification and explanation to the contracting officer. Finally, the regulation also addresses the statutory requirement that a prime contractor must notify the contracting officer in writing if it has paid a reduced price to a subcontractor for goods and services or if the payment to the subcontractor is more than 90 days past due.

Timetable:

Action	Date	FR Cite
NPRM	10/05/11	76 FR 61626
NPRM Comment Period End.	12/05/11	
NPRM Comment Period Re-opened.	12/01/11	76 FR 74749
Second NPRM Comment Period End.	01/06/12	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7322, *Fax:* 202 481–1540, *Email: dean.koppel@sba.gov.*

RIN: 3245–AG22

265. Small Business Size and Status Integrity

Legal Authority: Pub. L. 111–240; sec 1341 and 1343

Abstract: These regulations address the intentional misrepresentations of small business status as a ''presumption of loss against the Government.'' In addition, the rule addresses the statutory requirement that no business may continue to certify itself as small on the System for Award Management (SAM) without first providing an annual certification.

Timetable:

Action	Date	FR Cite
NPRM	10/07/11	76 FR 62313
NPRM Comment Period End.	11/07/11	
NPRM Comment Period Extended.	11/08/11	76 FR 69154
NPRM Extended Comment Period End.	12/08/11	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7322, *Fax:* 202 481–1540, *Email: dean.koppel@sba.gov.*

RIN: 3245–AG23

266. Small Business Size Standards for Utilities

Legal Authority: 15 U.S.C. 632(a)

Abstract: On July 19, 2012, the U.S. Small Business Administration (SBA) proposed to revise the small business size standards for nine industries in North American Industry Classification System (NAICS) Sector 22, Utilities. For industries involved in electric power generation, transmission and distribution, SBA proposed to replace the current size standard of 4 million megawatt hours in electric output with an employee based size standard of 500 employees. SBA also proposed to increase the small business size standards for three industries in NAICS Sector 22 that have receipt based size standards. As part of its effort to review all size standards as required by the Small Business Jobs Act of 2010, SBA evaluated all industries in NAICS Sector 22 that have either electric output based or receipts based size standards to determine whether the existing size standards should be retained or revised. The proposed rule is one of the rules that will examine industries grouped by NAICS sector. SBA applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to prepare the proposed rule. SBA expects to publish the final rule in the near future.

Timetable:

Action	Date	FR Cite
NPRM	07/19/12	77 FR 42441
NPRM Comment Period End.	09/17/12	
Final Rule	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG25

267. Small Business Size Standards: Construction

Legal Authority: 15 U.S.C. 632(a)

Abstract: On July 18, 2012, the U.S. Small Business Administration (SBA) published a proposed rule to increase small business size standards for one industry and one sub-industry in North American Industry Classification System (NAICS) Sector 23, Construction. Specifically, SBA proposed to increase the size standard for NAICS 237210, Land Subdivision, from $7 million to $25 million and the size standard for Dredging and Surface Cleanup Activities, a sub-industry category (or an ''exception'') under NAICS 237990, Other Heavy and Civil Engineering Construction, from $20 million to $30 million in average annual receipts. As part of its ongoing

comprehensive size standards review, SBA evaluated all size standards in NAICS Sector 23 to determine whether they should be retained or revised. The proposed rule is one of the rules that examines size standards of industries grouped by NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to prepare the proposed rule. SBA expects to publish the final rule in the near future.

Timetable:

Action	Date	FR Cite
NPRM	07/18/12	77 FR 42197
NPRM Comment Period End.	09/17/12	
Final Rule	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6390, *Fax:* 202 205–6390.

RIN: 3245–AG37

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

268. Small Business Size Standards: Arts, Entertainment, and Recreation

Legal Authority: 15 U.S.C. 632(a)

Abstract: On July 18, 2012, the U.S. Small Business Administration (SBA) issued a proposed rule to increase the small business size standards for 17 industries in North American Industry Classification System (NAICS) Sector 71, Arts, Entertainment, and Recreation. As part of its ongoing comprehensive review of all size standards, SBA evaluated all size standards in NAICS Sector 71 to determine whether the existing size standards should be retained or revised. The proposed rule is one of the rules that will examine industries grouped by an NAICS Sector. SBA applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to prepare the proposed rule. SBA expects to publish the final rule in the near future.

Completed:

Reason	Date	FR Cite
Final Rule	06/20/13	78 FR 37417
Final Rule Effective.	07/22/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, *Phone:* 202 205–6390, *Fax:* 202 205–6390.

RIN: 3245–AG36

269. Small Business Size Standards: Agriculture, Forestry, Fishing, and Hunting

Legal Authority: 15 U.S.C. 632(a)

Abstract: On September 11, 2012, the U.S. Small Business Administration (SBA) published a proposed rule to increase the small business size standards for 11 industries in North American Industry Classification System (NAICS) Sector 11, Agriculture, Forestry, Fishing and Hunting. As part of its ongoing comprehensive review of all small business size standards, SBA evaluated receipts based size standards for 16 industries and two sub-industries in NAICS Sector 11 to determine whether they should be retained or revised. SBA did not review size standards for 46 industries in NAICS Sector 11 that are currently set by statute at $750,000 in average annual receipts. SBA also did not review the 500-employee based size standard for NAICS 113310, Logging, but will review it in the near future with other employee based size standards. In developing the proposed size standards, SBA has applied its ''Size Standards Methodology,'' which is available on the Agency's Web site at *http://www.sba.gov/size.* SBA expects to publish the final rule in the near future.

Completed:

Reason	Date	FR Cite
Final Rule	06/20/13	78 FR 37398
Final Rule Effective.	07/22/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG43

270. Small Business Size Standards: Support Activities for Mining

Legal Authority: 15 U.S.C. 632(a)

Abstract: On December 6, 2012, the United States Small Business Administration (SBA) published a proposed rule to increase the small business size standards for three of the four industries in North American Industry Classification System (NAICS) Subsector 213, Support Activities for Mining, that are based on average annual receipts. As part of its ongoing comprehensive size standards review, SBA evaluated the four receipts based standards in NAICS Subsector 213 under NAICS Sector 21, Mining, Quarrying, and Oil and Gas Extraction, to determine whether the current size standards should be retained or revised. Within NAICS Sector 21, only NAICS Subsector 213 has receipts based size standards. Note the title of this rule was changed from ''Small Business Size Standards: Mining, Quarrying, and Oil and Gas Extraction''. This title was based on the one for Sector 21 of the Small Business Size Standards by NAICS Industry. However, SBA later concluded that this title was a misnomer since this rule only covers the four revenue-based size standards under Subsector 213, Support Activities for Mining and not the entire Sector 21. The rest of the industries in that Sector have employee based size standards which SBA will review in the near future with other employee based size standards. In developing the proposed size standards, SBA applied its ''Size Standards Methodology,'' which is available on the Agency's Web site at *http://www.sba.gov/size.* SBA expects to publish the final rule in the near future.

Completed:

Reason	Date	FR Cite
NPRM	12/06/12	77 FR 72766
Final Rule	06/20/13	78 FR 37404
Final Rule Effective.	07/22/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG44

271. Small Business Size Standards: Finance and Insurance; Management of Companies and Enterprises

Legal Authority: 15 U.S.C. 632(a)

Abstract: On September 11, 2012, the U.S. Small Business Administration (SBA) issued a proposed rule to increase the small business size standards for 37 industries in North American Industry Classification System (NAICS) Sector 52, Finance and Insurance, and for two industries in NAICS Sector 55, Management of Companies and Enterprises. In addition, SBA proposed to change the measure of size from average assets to average receipts for NAICS 522293, International Trade Financing. As part of its ongoing comprehensive size standards review, SBA evaluated all receipts-based and assets-based size standards in NAICS Sectors 52 and 55 to determine whether they should be retained or revised. In

developing the proposed size standards, SBA relied on the methodology set forth in its ''Size Standards Methodology,'' which is available at *www.sba.gov/size.* SBA expects to publish the final rule in the near future.

Completed:

Reason	Date	FR Cite
Final Rule	06/20/13	78 FR 37409
Final Rule Effective.	07/22/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG45

272. Small Business Size Regulations, Small Business Innovation Research (SBIR) Program and Small Business Technology Transfer (STTR) Program

Legal Authority: 15 U.S.C. 632(a); Pub. L. 111–81, sec 5107

Abstract: SBA is amending its regulations as they relate to size and eligibility for the SBIR and STTR programs. The revised amendments implement provisions of the SBIR/STTR Reauthorization Act of 2011. The amendments address ownership, control and affilation for participants in these programs, including participants that are majority owned by multiple venture capital operating companies, private equity firms or hedge funds. The regulations also address whether the participant is owned by domestic or foreign business concerns.

Completed:

Reason	Date	FR Cite
Final Rule	12/27/12	77 FR 76215
Final Rule Effective.	01/28/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edsel M. Brown, *Phone:* 202 205–6450, *Email: edsel.brown@sba.gov.*

RIN: 3245–AG46

[FR Doc. 2013–17073 Filed 7–22–13; 8:45 am]

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Part XX

Department of Defense

General Services Administration

National Aeronautics and Space Adminstration

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 ''Regulatory Planning and Review.'' This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Director, Regulatory Secretariat Division, Room 783E, 1275 First Street NE., Washington, DC 20417, (202) 501–4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR Web site at *http://www.acquisition.gov/far.*

Dated: April 30, 2013.

Steven Kempf,

Acting Director, Office of Acquisition Policy and Senior Procurement Executive.

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
273	Federal Acquisition Regulation (FAR); FAR Case 2012–028; Contractor Comment Period-Past Performance Evaluations.	9000–AM40
274	Federal Acquisition Regulation (FAR); FAR Case 2012–001; Performance of Inherently Governmental Functions and Critical Functions.	9000–AM41
275	Federal Acquisition Regulation (FAR); FAR Case 2012–029; Contractor Access to Protected Information	9000–AM42
276	Federal Acquisition Regulation (FAR); FAR Case 2011–023, Irrevocable Letters of Credit	9000–AM53
277	Federal Acquisition Regulation; FAR Case 2012–023, Uniform Procurement Identification	9000–AM60

DOD/GSA/NASA (FAR)—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
278	Federal Acquisition Regulation (FAR); FAR Case 2011–001; Organizational Conflicts of Interest	9000–AL82
279	Federal Acquisition Regulation (FAR); FAR Case 2010–013, Privacy Training	9000–AM02
280	Federal Acquisition Regulation (FAR); FAR Case 2010–010; Service Contracts Reporting Requirements	9000–AM06
281	FAR Case 2011–024, Set-Asides for Small Business	9000–AM12
282	Federal Acquisition Regulation (FAR); FAR Case 2011–020; Basic Safeguarding of Contractor Information Systems.	9000–AM19
283	Federal Acquisition Regulation (FAR); FAR Case 2011–029; Contractors Performing Private Security Functions Outside the United States.	9000–AM20
284	Federal Acquisition Regulation (FAR); FAR Case 2012–031; Accelerated Payments to Small Business Subcontractors.	9000–AM37
285	Federal Acquisition Regulation (FAR); FAR Case 2013–005, Terms of Service and Open-Ended Indemnification, and Unenforceability of Unauthorized Obligations.	9000–AM45
286	Federal Acquisition Regulation (FAR); FAR Case 2012–014; Small Business Protests and Appeals	9000–AM46
287	Federal Acquisition Regulation (FAR); FAR Case 2013–003; Definition of Contingency Operation	9000–AM48
288	Federal Acquisition Regulation (FAR); FAR Case 2012–024; Commercial and Government Entity Code	9000–AM49
289	Federal Acquisition Regulation (FAR); FAR Case 2012–016; Defense Base Act	9000–AM50

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
290	Federal Acquisition Regulation (FAR); FAR Case 2011–011; Unallowability of Costs Associated With Foreign Contractor Excise Tax.	9000–AM13
291	Federal Acquisition Regulation (FAR); FAR Case 2011–028; Nondisplacement of Qualified Workers Under Service Contracts.	9000–AM21
292	Federal Acquisition Regulation (FAR); FAR Case 2011–025; Changes to Time-and-Materials and Labor-Hour Contracts and Orders.	9000–AM28
293	Federal Acquisition Regulation (FAR); FAR Case 2012–027, Free Trade Agreement-Panama	9000–AM43

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

273. Federal Acquisition Regulation (FAR); FAR Case 2012–028; Contractor Comment Period–Past Performance Evaluations

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to revise the Federal Acquisition Regulation (FAR) to implement section 806(c) of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81). Section 806, paragraph (c) allows contractors 14 calendar days to rebut past performance evaluations and requires that past performance evaluations be included in the relevant database within 14 days. While the requirements of section 806(c) are mandatory only for the Department of Defense, the Governmentwide application of the statue will ensure that the Government has current performance information about contractors to help source selection officials make better award decisions. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2013), available at: *https://www.acquisition.gov/.*

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis Glover, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20417, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AM40

274. Federal Acquisition Regulation (FAR); FAR Case 2012–001; Performance of Inherently Governmental Functions and Critical Functions

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to revise the Federal Acquisition Regulation to implement acquisition-related requirements of the Office of Federal Procurement Policy (OFPP) Policy Letter 11–01, entitled ''Performance of Inherently Governmental and Critical Functions,'' published September 12, 2011 (65 FR 56227), with a correction published February 13, 2012 (77 FR 7609). OFPP Policy Letter 11–01 was issued in response to (1) the Presidential Memorandum on Government Contracting, signed March 4, 2009, and published March 6, 2009 (74 FR 9755), and (2) section 321 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2009 (Pub. L. 110–417).

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia Corrigan, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20714, *Phone:* 202 208–1963, *Email: patricia.corrigan@gsa.gov.*

RIN: 9000–AM41

275. Federal Acquisition Regulation (FAR); FAR Case 2012–029; Contractor Access to Protected Information

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to address contractor access to protected information. On April 26, 2011, DoD, GSA, and NASA proposed amending the Federal Acquisition Regulation (FAR) to provide additional coverage regarding contractor access to nonpublic information (76 FR 23236), with an extension for public comment published June 29, 2011 (76 FR 38089). The first proposed rule was combined with proposed revised regulatory coverage on organizational conflicts of interest (FAR Case 2011–001). DoD, GSA, and NASA are proposing substantial changes to the proposed coverage based on the public comments received. Therefore, DoD, GSA, and NASA decided to separate this coverage from the organizational conflicts of interest rule in order to publish for additional public comments.

The coverage provided in this proposed rule differs from the coverage provided in the first proposed rule in a number of important respects. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2012), available at: *https://www.acquisition.gov.*

Timetable:

Action	Date	FR Cite
NPRM	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Petrusek, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20714, *Phone:* 202 501–0136, *Email: marissa.petrusek@gsa.gov.*

RIN: 9000–AM42

276. • Federal Acquisition Regulation (FAR); FAR Case 2011–023, Irrevocable Letters of Credit

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to remove all references to Office of Federal Procurement Policy Pamphlet No. 7, Use of Irrevocable Letters of Credit, and also provide updated sources of data required to verify the credit worthiness of a financial entity issuing or confirming an irrevocable letter of credit.

Timetable:

Action	Date	FR Cite
NPRM	05/07/13	78 FR 26573
NPRM Comment Period End.	07/08/13	
Final Action	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia Davis, Program Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20417, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AM53

277. • Federal Acquisition Regulation; FAR Case 2012–023, Uniform Procurement Identification

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a uniform Procurement Instrument Identification numbering system, which will require the use of Activity Address Codes as the unique identifier for contracting offices and other offices, in order to standardize procurement transactions across the Federal Government. This proposed rule continues and strengthens efforts at standardization accomplished under a previous FAR case.

Timetable:

Action	Date	FR Cite
NPRM	06/06/13	78 FR 34020

Action	Date	FR Cite
NPRM Comment Period End.	08/05/13	
Final Rule	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, Program Manager, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20417, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov*.

RIN: 9000–AM60

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

278. Federal Acquisition Regulation (FAR); FAR Case 2011–001; Organizational Conflicts of Interest

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to provide revised regulatory coverage on organizational conflicts of interest (OCIs), and add related provisions and clauses. Coverage on contractor access to protected information has been moved to a new proposed rule, FAR Case 2012–029.

Section 841 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110–417) required a review of the FAR coverage on OCIs. This proposed rule was developed as a result of a review conducted in accordance with section 841 by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council and the Office of Federal Procurement Policy, in consultation with the Office of Government Ethics. This proposed rule was preceded by an Advance Notice of Proposed Rulemaking, under FAR Case 2007–018 (73 FR 15962), to gather comments from the public with regard to whether and how to improve the FAR coverage on OCIs. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2013), available at: *https://www.acquisition.gov/*.

Timetable:

Action	Date	FR Cite
NPRM	04/26/11	76 FR 23236
NPRM Comment Period End.	06/27/11	
NPRM Comment Period Extended.	06/29/11	76 FR 38089
Comment Period End.	07/27/11	
Final Rule	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deborah Erwin, Attorney-Advisor in the Office of Governmentwide Policy, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20714, *Phone:* 202 501–2164, *Email: deborah.erwin@gsa.gov*.

RIN: 9000–AL82

279. Federal Acquisition Regulation (FAR); FAR Case 2010–013, Privacy Training

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to ensure that all contractors are required to complete training in the protection of privacy and the handling and safeguarding of Personally Identifiable Information (PII). A number of agencies currently require that contractors who handle personally identifiable information or operate a system of records on behalf of the Federal Government complete agency-provided privacy training. However, in some circumstances an agency may provide a contractor the Privacy Act requirements, and the contractor will train its own employees, and shall upon request, provide evidence of privacy training for all applicable employees. The proposed FAR language provides flexibility for agencies to conduct the privacy training or require the contractor to conduct the privacy training.

Timetable:

Action	Date	FR Cite
NPRM	10/14/11	76 FR 63896
NPRM Comment Period End.	12/13/11	
Final Rule	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20417, *Phone:* 202 501–2364, *Email: karlos.morgan@gsa.gov*.

RIN: 9000–AM02

280. Federal Acquisition Regulation (FAR); FAR Case 2010–010; Service Contracts Reporting Requirements

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the Consolidated Appropriations Act, 2010. This final rule amends the FAR to require service contractors for executive agencies, except where DoD has fully funded the contract or order, to submit information annually in support of agency-level inventories for service contracts.

Timetable:

Action	Date	FR Cite
Proposed Rule	04/20/11	76 FR 22070
NPRM Comment Period End.	06/20/11	
Correction	05/02/11	76 FR 24443
Final Rule	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, Program Manager, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20417, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov*

RIN: 9000–AM06

281. FAR Case 2011–024, Set-Asides for Small Business

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued an interim rule amending the Federal Acquisition Regulation to implement section 1331 of the Small Business Jobs Act of 2010 (Jobs Act). Section 1331 addresses set-asides of task and delivery orders under multiple-award contracts, partial set-asides under multiple-award contracts, and the reserving of one or more multiple-award contracts that are awarded using full and open competition. Within this same context, section 1331 also addresses the Federal Supply Schedules Program managed by the General Services Administration. DoD, GSA, and NASA are coordinating with the Small Business Administration (SBA) on the development of an SBA rule that will provide greater detail regarding implementation of section 1331 authorities. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2013), available at: *https://www.acquisition.gov/*.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/02/11	76 FR 68032
Interim Final Rule Comment Period End.	01/03/12	
Interim Final Rule Comment Period Extended.	01/12/12	77 FR 1889
Interim Final Rule Comment Period Extended End.	02/03/12	
Final Rule	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20417, *Phone:* 202 501–2364, *Email: karlos.morgan@gsa.gov.*

RIN: 9000–AM12

282. Federal Acquisition Regulation (FAR); FAR Case 2011–020; Basic Safeguarding of Contractor Information Systems

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to add a new subpart and contract clause for the safeguarding of contractor information systems that contain information provided by the Government (other than public information) or generated for the Government that will be resident on or transiting through contractor information systems.

Timetable:

Action	Date	FR Cite
NPRM	07/26/12	77 FR 51496
NPRM Comment Period End.	10/23/12	
Final Rule	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia Corrigan, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20714, *Phone:* 202 208–1963, *Email: patricia.corrigan@gsa.gov.*

RIN: 9000–AM19

283. Federal Acquisition Regulation (FAR); FAR Case 2011–029; Contractors Performing Private Security Functions Outside the United States

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to implement Governmentwide requirements in National Defense Authorization Acts that establish minimum processes and requirements for the selection, accountability, training, equipping, and conduct of personnel performing private security functions outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	07/23/12	77 FR 43039
NPRM Comment Period End.	09/21/12	
Final Rule	06/21/13	78 FR 37670
Final Rule Effective.	07/22/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20417, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AM20

284. Federal Acquisition Regulation (FAR); FAR Case 2012–031; Accelerated Payments to Small Business Subcontractors

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the temporary policy provided by Office of Management and Budget (OMB) Policy Memorandum M–12–16, dated July 11, 2012, by adding a new clause to provide for the accelerated payments to small business subcontractors. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2013), available at: *https://www.acquisition.gov/.*

Timetable:

Action	Date	FR Cite
NPRM	12/19/12	77 FR 75089
NPRM Comment Period End.	02/19/13	
Final Rule	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20417, *Phone:* 202 501–3221, *Email: edward.chambers@gsa.gov.*

RIN: 9000–AM37

285. • Federal Acquisition Regulation (FAR); FAR Case 2013–005, Terms of Service and Open-Ended Indemnification, and Unenforceability of Unauthorized Obligations

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation to address concerns raised in an opinion from the U.S. Department of Justice Office of Legal Counsel involving the use of unrestricted, open-ended indemnification clauses in acquisitions for social media applications. See March 27, 2012, Memorandum for Barbara S. Fredericks, Assistant General Counsel for Administration, United States Department of Commerce, available at *http://www.justice.gov/olc/2012/aag-ada-impls-of-consent-by-govt-empls.pdf.*

Timetable:

Action	Date	FR Cite
Interim Final Rule.	06/21/13	78 FR 37686
Interim Final Rule Comment Period End.	08/20/13	
Final Rule	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Petrusek, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20714, *Phone:* 202 501–0136, *Email: marissa.petrusek@gsa.gov.*

RIN: 9000–AM45

286. • Federal Acquisition Regulation (FAR); Far Case 2012–014; Small Business Protests and Appeals

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the Small Business Administration's revision of the small business size and small business status protest and appeal procedures.

Timetable:

Action	Date	FR Cite
NPRM	03/07/13	78 FR 14746
NPRM Comment Period End.	05/06/13	
Final Rule	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20417, *Phone:* 202 501–2364, *Email: karlos.morgan@gsa.gov.*

RIN: 9000–AM46

287. • Federal Acquisition Regulation (FAR); Far Case 2013–003; Definition of Contingency Operation

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20115

Abstract: DoD, GSA, and NASA issued an interim rule amending the Federal Acquisition Regulation (FAR) to revise the definition of ''contingency operation'' to address the statutory change to the definition made by the National Defense Authorization Act for Fiscal Year 2012.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/28/13	78 FR 13765
Interim Final Rule Comment Period End.	04/29/13	
Final Rule	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia Corrigan, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20714, *Phone:* 202 208–1963, *Email: patricia.corrigan@gsa.gov.*

RIN: 9000–AM48

288. • Federal Acquisition Regulation (FAR); Far Case 2012–024; Commercial and Government Entity Code

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to require the use of Commercial and Government Entity (CAGE) codes, including North Atlantic Treaty Organization (NATO) CAGE (NCAGE) codes for foreign entities, for awards valued at greater than the micro-purchase threshold. The CAGE code is a five-character identification number used extensively within the Federal Government. The proposed rule will also require offerors, if owned or controlled by another business entity, to identify that entity during System For Award Management registration.

Timetable:

Action	Date	FR Cite
NPRM	04/18/13	78 FR 23194
NPRM Comment Period End.	06/17/13	
Final Rule	01/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, Program Manager, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20417, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov.*

RIN: 9000–AM49

289. • Federal Acquisition Regulation (FAR); Far Case 2012–016; Defense Base Act

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to clarify contractor and subcontractor responsibilities to obtain workers' compensation insurance or to qualify as a self-insurer, and other requirements, under the terms of the Longshore and Harbor Workers' Compensation Act as extended by the Defense Base Act.

Timetable:

Action	Date	FR Cite
NPRM	03/20/13	78 FR 17176
NPRM Comment Period End.	05/20/13	
Final Rule	11/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street NE., Washington, DC 20417, *Phone:* 202 501–3221, *Email: edward.chambers@gsa.gov.*

RIN: 9000–AM50

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

290. Federal Acquisition Regulation (FAR); Far Case 2011–011; Unallowability of Costs Associated with Foreign Contractor Excise Tax

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the Federal Acquisition Regulation to implement the requirements of the James Zadroga 9/11 Health and Compensation Act of 2010 regarding the imposition of a 2 percent tax on certain foreign procurements.

Completed:

Reason	Date	FR Cite
Final Rule	01/29/13	78 FR 6189
Final Rule Effective.	02/28/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Chambers, *Phone:* 202 501–3221, *Email: edward.chambers@gsa.gov.*

RIN: 9000–AM13

291. Federal Acquisition Regulation (FAR); Far Case 2011–028; Nondisplacement of Qualified Workers Under Service Contracts

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition Regulation to implement an Executive order for nondisplacement of qualified workers under service contracts, as implemented in Department of Labor regulations.

Completed:

Reason	Date	FR Cite
Final Rule	12/21/12	77 FR 75766
Final Rule Effective.	01/18/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov.*

RIN: 9000–AM21

292. Federal Acquisition Regulation (FAR); Far Case 2011–025; Changes to Time-and-Materials and Labor-Hour Contracts and Orders

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to provide additional guidance when raising the ceiling price or otherwise changing the scope of work for a time-and-materials or labor-hour contract or order.

Completed:

Reason	Date	FR Cite
Final Rule	02/28/13	78 FR 13766
Final Rule Effective.	04/01/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O Jackson, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AM28

293. Federal Acquisition Regulation (FAR); Far Case 2012–027, Free Trade Agreement—Panama

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement the United States-Panama Trade Promotion Agreement. This Trade Promotion Agreement is a free trade agreement that provides for mutually

non-discriminatory treatment of eligible products and services from Panama.

Completed:

Reason	Date	FR Cite
Interim Final Rule	11/20/12	77 FR 69723
Interim Final Rule Comment Period End.	01/22/13	
Final Rule	06/21/13	78 FR 37695
Final Rule Effective.	06/21/13	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Cecelia Davis, *Phone:* 202 219–0202, *Email:* *cecelia.davis@gsa.gov.*

RIN: 9000–AM43

[FR Doc. 2013–17074 Filed 7–22–13; 8:45 am]

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Part XXI

Bureau of Consumer Financial Protection

Semiannual Regulatory Agenda

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Ch. X

Semiannual Regulatory Agenda

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Bureau of Consumer Financial Protection (CFPB) is publishing this agenda as part of the Spring 2013 Unified Agenda of Federal Regulatory and Deregulatory Actions. The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from May 1, 2013, to May 1, 2014. The next agenda will be published in the fall of 2013 and will update this agenda through the fall of 2014. Publication of this agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

DATES: This information is current as of May 10, 2013.

ADDRESSES: Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: A staff contact is included for each regulatory item listed herein.

SUPPLEMENTARY INFORMATION: The CFPB is publishing its spring 2013 agenda as part of the Spring 2013 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The CFPB's participation in the Unified Agenda is voluntary. The complete Unified Agenda will be available to the public at the following Web site: *http://www.reginfo.gov*.

Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203, 124 Stat. 1376) (Dodd-Frank Act), the CFPB has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. These authorities include the ability to issue regulations under more than a dozen Federal consumer financial laws, which transferred to the CFPB from seven Federal agencies on July 21, 2011. The CFPB is working on a wide range of initiatives to address issues in markets for consumer financial products and services that are not reflected in this notice because the Unified Agenda is limited to rulemaking activities.

The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from May 1, 2013, to May 1, 2014.[1] First, the CFPB is continuing to follow up on a number of mortgage-related rules that it issued in January 2013, to implement various changes made under title XIV of the Dodd-Frank Act to strengthen consumer protections involving the origination and servicing of mortgages. Specifically, the CFPB issued a concurrent proposal in January to make certain adjustments to the rules implementing ability-to-repay requirements and qualified mortgage provisions under Regulation Z (Truth in Lending), which the CFPB intends to complete in spring 2013. The Bureau is also working with other agencies on a possible supplemental proposed rule amending the interagency final rule issued in January 2013 on appraisal requirements for higher-risk mortgages. The CFPB has also committed to issue clarifications as needed to facilitate the implementation process on the title XIV rules. To date it has proposed two rules providing clarifying and technical amendments to certain of the January final mortgage rules, as well as a proposed rule seeking comment on whether to extend the effective date of a regulatory provision concerning the financing of credit insurance pending the issuance of additional clarifications to address interpretive issues under the statute and regulation. The Bureau anticipates issuing additional clarification proposals and final rules as needed on a rolling basis throughout 2013.

Beyond the January final mortgage rules, the CFPB continues to work on rulemakings implementing other changes under the Dodd-Frank Act, including a final rule combining certain disclosures that consumers receive in connection with applying for and closing on a mortgage loan under the Truth in Lending Act and the Real Estate Settlement Procedures Act and beginning work to implement amendments to the Home Mortgage Disclosure Act. The CFPB is also assessing timelines for the issuance of additional Dodd-Frank Act related rulemakings and rulemakings inherited by the CFPB from other agencies as part of the transfer of authorities under the Dodd-Frank Act.

As noted in the CFPB's Fall 2012 Statement of Regulatory Priorities, the Bureau has been conducting outreach and research to assess issues in various other markets for consumer financial products and services through a variety of means including reports, requests for information, and an advance notice of proposed rulemaking on general purpose reloadable prepaid cards. The Bureau is continuing this research and analysis in spring 2013, for instance by issuing white papers on payday loans and deposit advance products, student loan affordability, and bank overdraft programs. The CFPB is currently actively engaged in assessing possible policy responses to the work it has conducted to date, including possible additional rulemaking actions. In making this assessment, the CFPB is taking into account the critical need for and effectiveness of various policy tools.

The CFPB expects to issue a notice of proposed rulemaking on prepaid cards within the next year. It is also considering whether to begin rulemaking processes to follow up on issues that have been identified in connection with payday loans and deposit advance products and debt collection, which is the focus of more consumer complaints to the Federal Government than any other industry. The Bureau will update its regulatory agenda in the fall of 2013 to reflect the results of further prioritization and planning.

Dated: May 14, 2013.

Meredith Fuchs,

General Counsel, Bureau of Consumer Financial Protection.

CONSUMER FINANCIAL PROTECTION BUREAU—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
294	Home Mortgage Disclosure Act (Regulation C)	3170–AA10

[1] The listing does not include certain routine, frequent, or administrative matters. Further, certain of the information fields for the listing are not applicable to independent regulatory agencies, including the CFPB, and, accordingly, the CFPB has indicated responses of ''no'' for such fields.

CONSUMER FINANCIAL PROTECTION BUREAU—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
295	Integrated Mortgage Disclosures Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z).	3170–AA19
296	The Expedited Funds Availability Act (Regulation CC)	3170–AA31

CONSUMER FINANCIAL PROTECTION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
297	Business Lending Data (Regulation B)	3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
298	Loan Originator Compensation Requirements Under the Truth in Lending Act (Regulation Z)	3170–AA13
299	Mortgage Servicing Rules Under the Real Estate Settlement Procedures Act (Regulation X); Mortgage Servicing Rules Under the Truth in Lending Act (Regulation Z).	3170–AA14
300	Escrow Requirements Under the Truth in Lending Act (Regulation Z)	3170–AA16
301	Ability-to-Repay and Qualified Mortgage Standards Under the Truth in Lending Act (Regulation Z)	3170–AA17

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Prerule Stage

294. Home Mortgage Disclosure Act (Regulation C)

Legal Authority: 12 U.S.C. 2801 to 2810

Abstract: Section 1094 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amends the Home Mortgage Disclosure Act (HMDA), which requires certain financial institutions to collect and report information in connection with housing-related loans and applications they receive for such loans. The amendments made by the Dodd-Frank Act expand the scope of information relating to mortgage applications and loans that must be compiled, maintained, and reported under HMDA, including the ages of loan applicants and mortgagors, information relating to the points and fees payable at origination, the difference between the annual percentage rate associated with the loan and benchmark rates for all loans, the term of any prepayment penalty, the value of real property to be pledged as collateral, the term of the loan and of any introductory interest rate for the loan, the presence of contract terms allowing nonamortizing payments, the origination channel, and the credit scores of applicants and mortgagors. The Dodd-Frank Act also provides authority for the CFPB to require other information, including identifiers for loans, parcels, and loan originators. The CFPB expects to begin developing proposed regulations concerning the data to be collected and appropriate format, procedures, information safeguards, and privacy protections for information compiled and reported under HMDA. The CFPB may consider additional revisions to its regulations to accomplish the purposes of HMDA.

Timetable:

Action	Date	FR Cite
Prerule Activities.	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joan Kayagil, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA10

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Final Rule Stage

295. Integrated Mortgage Disclosures Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z)

Legal Authority: 12 U.S.C. 2617; 12 U.S.C. 3806; 15 U.S.C. 1604; 15 U.S.C. 1637(c)(5); 15 U.S.C. 1639(l); 12 U.S.C. 5532

Abstract: Sections 1032(f), 1098, and 1100A of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) direct the CFPB to issue proposed rules and forms that combine certain disclosures that consumers receive in connection with a mortgage loan under the Truth in Lending Act and the Real Estate Settlement Procedures Act. Consistent with this requirement, the CFPB has proposed to amend Regulation X (Real Estate Settlement Procedures Act) and Regulation Z (Truth in Lending) to establish new disclosure requirements and forms in Regulation Z for most closed-end consumer credit transactions secured by real property. In addition to combining the existing disclosure requirements and implementing new requirements in the Dodd-Frank Act, the CFPB's proposed rule provides extensive guidance regarding compliance with those requirements. The proposal had two comment periods. Comments on the proposed revisions to the definition of the finance charge and the proposed compliance date for the new Dodd-Frank Act disclosures were due September 7, 2012. Comments on all other aspects of the proposal were due November 6, 2012. On September 6, 2012, the CFPB issued a notice extending the comment period to November 6, 2012, for the proposed revisions to the definition of the finance charge. The CFPB is working to issue a final rule. The CFPB issued the final rule to implement the compliance dates for the new Dodd-Frank Act disclosures that were proposed in this proposal in a separate rulemaking, as noted elsewhere in this regulatory agenda (see RIN 3170–AA32).

Timetable:

Action	Date	FR Cite
NPRM	08/23/12	77 FR 51116
NPRM Comment Period Extended.	09/06/12	77 FR 54843
NPRM Comment Period End.	11/06/12	
Final Rule	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard Horn, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA19

296. The Expedited Funds Availability Act (Regulation CC)

Legal Authority: 12 U.S.C. 4001 *et seq.*

Abstract: The Expedited Funds Availability Act (EFA Act), implemented by Regulation CC, governs availability of funds after a check deposit and check collection and return processes. Section 1086 of the Dodd-Frank Wall Street Reform and Consumer Protection Act amended the EFA Act to provide the CFPB with joint rulemaking authority with the Board of Governors of the Federal Reserve System (Board) over certain consumer-related EFA Act provisions. The Board proposed amendments to Regulation CC in March 2011, to facilitate the banking industry's ongoing transition to fully-electronic interbank check collection and return. The Board's proposal includes some provisions that are subject to the CFPB's joint rulemaking authority, including the period for funds availability and revising model form disclosures. The CFPB will work with the Board to jointly issue a final rule that includes provisions within the CFPB's authority.

Timetable:

Action	Date	FR Cite
NPRM	03/25/11	76 FR 16862
NPRM Comment Period End.	06/03/11	
Final Rule	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephen Shin, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700

RIN: 3170–AA31

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Long-Term Actions

297. Business Lending Data (Regulation B)

Legal Authority: 15 U.S.C. 1691c–2

Abstract: Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amends the Equal Credit Opportunity Act (ECOA) to require financial institutions to report information concerning credit applications made by women- or minority-owned businesses and small businesses. The amendments made by the Dodd-Frank Act require that certain data be collected and maintained under ECOA, including the number and date the application was received; the type and purpose of loan applied for; the amount of credit applied for and approved; the type of action taken with regard to each application and the date of such action; the census tract of the principal place of business; the gross annual revenue; and the race, sex, and ethnicity of the principal owners of the business. The CFPB expects to begin developing proposed regulations concerning the data to be collected and appropriate procedures, information safeguards, and privacy protections for information-gathering under this section.

Timetable:

Action	Date	FR Cite
CFPB Expects Further Action.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Honig, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Completed Actions

298. Loan Originator Compensation Requirements Under the Truth in Lending Act (Regulation Z)

Legal Authority: 12 U.S.C. 5512; 12 U.S.C. 5581; 15 U.S.C. 1601 *et seq.*

Abstract: The CFPB published for public comment in August 2012 a proposed rule amending Regulation Z (Truth in Lending) to implement amendments to the Truth in Lending Act (TILA) made by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). On January 20, 2013 the CFPB issued a final rule which was published in **Federal Register** on February 15, 2013. The final rule implements requirements and restrictions imposed by the Dodd-Frank Act concerning loan originator compensation; qualifications of, and registration or licensing of loan originators; compliance procedures for depository institutions; mandatory arbitration; and the financing of single-premium credit insurance. The final rule revises or provides additional commentary on Regulation Z's restrictions on loan originator compensation, including application of these restrictions to prohibitions on dual compensation and compensation based on a term of a transaction or a proxy for a term of a transaction, and to recordkeeping requirements. The final rule also establishes tests for when loan originators can be compensated through certain profits-based compensation arrangements. At this time, the CFPB is not prohibiting payments to and receipt of payments by loan originators when a consumer pays upfront points or fees in the mortgage transaction. Instead the CFPB will first study how points and fees function in the market and the impact of this and other mortgage-related rulemakings on consumers' understanding of and choices with respect to points and fees. The final rule is designed primarily to protect consumers by reducing incentives for loan originators to steer consumers into loans with particular terms and by ensuring that loan originators are adequately qualified. The CFPB will issue at a later time proposed regulations on anti-steering provisions that TILA section 129B(c)(3) requires the CFPB to adopt.

Timetable:

Action	Date	FR Cite
NPRM	09/07/12	77 FR 55272
NPRM Comment Period End.	10/16/12	
Final Rule	02/15/13	78 FR 11280

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Honig, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700

RIN: 3170–AA13

299. Mortgage Servicing Rules Under the Real Estate Settlement Procedures Act (Regulation X); Mortgage Servicing Rules Under the Truth in Lending Act (Regulation Z)

Legal Authority: 12 U.S.C. 2601 *et seq.;* 12 U.S.C. 5512; 12 U.S.C. 5581; 12 U.S.C. 5582; 12 U.S.C. 1602; 12 U.S.C. 1638; 15 U.S.C. 1638a; 15 U.S.C. 1639f; 15 U.S.C. 1639g

Abstract: The CFPB published a proposed rule to amend Regulation Z, which implements the Truth in Lending Act (TILA), and the official interpretation of the regulation. The

proposed amendments addressed the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act) provisions regarding mortgage loan servicing. Specifically, the proposed amendments address Dodd Frank Act sections relating to initial rate adjustment notices for adjustable-rate mortgages (ARMs), periodic statements for residential mortgage loans, and prompt crediting of mortgage payments and response to requests for payoff amounts. The proposed revisions also addressed current rules governing the scope, timing, content, and format of current disclosures to consumers occasioned by interest rate adjustments of their variable-rate transactions.

The CFPB also published a proposed rule to amend Regulation X, which implements the Real Estate Settlement Procedures Act of 1974 (RESPA) and add a supplement setting forth an official interpretation of the regulation. The proposed amendments addressed the Dodd-Frank Act provisions regarding mortgage loan servicing. Specifically, the proposed amendments addressed six servicer obligations: (1) To correct errors asserted, and provide information requested, by mortgage loan borrowers; (2) to provide protections to mortgage loan borrowers in connection with force-placed insurance; (3) to establish general servicing policies, procedures and requirements; (4) to provide information about mortgage loss mitigation options and foreclosure to delinquent borrowers; (5) to establish policies and procedures reasonably designed to provide delinquent borrowers with continuity of contact with servicer personnel capable of performing certain functions; and (6) to evaluate borrowers' applications for available loss mitigation options. The proposed amendments also addressed modifying and streamlining certain existing general and servicing-related provisions of Regulation X. The CFPB issued final rules amending Regulation Z and Regulation X on January 17, 2013 (published in the **Federal Register** on February 14, 2013).

Timetable:

Action	Date	FR Cite
NPRM (Regulation X).	09/17/12	77 FR 57200
NPRM (Regulation Z).	09/17/12	77 FR 57318
NPRM Comment Period End.	10/09/12	
Final Rule (Regulation X).	02/14/13	78 FR 10696
Final Rule (Regulation Z).	02/14/13	78 FR 10902

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Mondor, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA14

300. Escrow Requirements Under the Truth in Lending Act (Regulation Z)

Legal Authority: 12 U.S.C. 5512; 12 U.S.C. 5581; 15 U.S.C. 1601; 15 U.S.C. 1604; 15 U.S.C. 1639

Abstract: The Board of Governors of the Federal Reserve System (Board) published in the **Federal Register** on March 2, 2011, a proposed rule to implement certain amendments to the Truth in Lending Act (TILA) made by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) that lengthen the time for which a mandatory escrow account established for a higher-priced mortgage loan must be maintained. In addition, the Board's proposal included provisions to implement the Dodd-Frank Act's disclosure requirements regarding escrow accounts. The Board's proposal also included provisions to exempt certain loans from the statute's escrow requirement, pursuant to authority in the Dodd-Frank Act. The primary exemption in the proposal applied to mortgage loans extended by creditors that operate predominantly in rural or underserved areas and meet certain other prerequisites. Pursuant to the Dodd-Frank Act, the rulemaking authority for the TlLA generally transferred from the Board to the CFPB on July 21, 2011. The CFPB issued a final rule on January 10, 2013, which was published in the **Federal Register** on January 22, 2010. The CFPB, in a separate rulemaking (see RIN 3170–AA32), issued a final rule postponing the implementation of the Dodd-Frank Act disclosure requirements regarding escrow accounts.

Timetable:

Action	Date	FR Cite
NPRM	03/02/11	76 FR 11598
NPRM Comment Period End.	05/02/11	
Final Rule	01/22/13	78 FR 4726

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Mondor, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA16

301. Ability-To-Repay and Qualified Mortgage Standards Under the Truth in Lending Act (Regulation Z)

Legal Authority: 12 U.S.C. 5512; 12 U.S.C. 1604; 15 U.S.C. 1639c

Abstract: The Board of Governors of the Federal Reserve System (Board) published for public comment on May 11, 2011, a proposed rule amending Regulation Z to implement amendments to the Truth in Lending Act (TILA) made by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Regulation Z currently prohibits a creditor from making a higher-priced mortgage loan without regard to the consumer's ability to repay the loan. The proposal would implement statutory changes made by the Dodd-Frank Act that expand the scope of the ability-to-repay requirement to cover any consumer credit transaction secured by a dwelling (excluding an open-end credit plan, timeshare plan, reverse mortgage, or temporary loan). In addition, the proposal would establish presumptions of compliance with the ability-to-repay requirement, including by making a ''qualified mortgage.'' The proposal also implements the Dodd-Frank Act's limits on prepayment penalties. Finally, the proposal would require creditors to retain evidence of compliance with this rule for three years after a loan is consummated. Pursuant to the Dodd-Frank Act, the rulemaking authority for the TILA generally transferred from the Board to the CFPB on July 21, 2011. On June 5, 2012, the CFPB issued a notice to reopen the comment period until July 9, 2012, to seek comment on certain new data and information submitted during or obtained after the close of the original comment period. On January 10, 2013,the CFPB issued a final rule (published in the **Federal Register** on January 30, 2013) implementing amendments to Regulation Z, including the ability-to-repay requirements and ''qualified mortgage'' provisions. On January 10, 2013, the CFPB also issued a concurrent proposal to seek public comment on certain revisions to the final rule, including certain exemptions from the ability-to-repay requirements and a definition of ''qualified mortgage'' for certain small creditor portfolio loans (published in the **Federal Register** on January 30, 2013). The CFPB has issued a final rule (See RIN 3170–AA34).

Timetable:

Action	Date	FR Cite
NPRM	05/11/11	76 FR 27390
NPRM Comment Period End.	07/22/11	

Action	Date	FR Cite
Supplemental Notice to Reopen Comment Period.	06/05/12	77 FR 33120
Supplemental Notice Comment Period End.	07/09/12	
Final Rule	01/30/13	78 FR 6408

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephen Shin, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA17

[FR Doc. 2013–17076 Filed 7–22–13; 8:45 am]

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FEDERAL REGISTER

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Part XXII

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866.

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small businesses, small organizations, and other small entities. Written comments concerning the agenda should be received in the Office of the Secretary by July 31, 2013.

ADDRESSES: Comments on the regulatory flexibility agenda should be captioned ''Regulatory Flexibility Agenda'' and be emailed to *cpsc-os@cpsc.go*v or filed by fax to (301) 504–0127. Comments may also be mailed or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814–4408.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Eileen J. Williams, Office of the General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408; *ewilliams@cpsc.gov.* For further information regarding a particular item on the agenda, consult the individual listed in the column headed ''Contact'' for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 to 612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated that is likely to have a ''significant economic impact'' on a ''substantial number'' of small entities. The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda is also required to contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification, or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish twice each year a regulatory agenda of regulations under development or review during the next year, and states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that appeared in the September 2012 agenda and have been completed by the Commission prior to publication of this agenda.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. Agency contacts are located at one of two addresses: Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408 or Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850.

Beginning with the fall 2007 edition, the Internet became the basic means for dissemination of the Unified Agenda. The complete Unified Agenda will be available online at: *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Commission's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Dated: April 24, 2013.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
302	Testing and Labeling Pertaining to Product Certification Regarding Representative Samples for Periodic Testing of Children's Products.	3041–AD14
303	Products Containing Imidazolines Equivalent to 0.08 Milligrams or More	3041–AD18

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

302. Testing and Labeling Pertaining to Product Certification Regarding Representative Samples for Periodic Testing of Children's Products

Legal Authority: 15 U.S.C. 2063, sec 3, 102 Pub. L. 110–314, 122 Stat 3016, 3017, 3022

Abstract: On August 12, 2011, the President signed H.R. 2715 into law. Among other things, H.R. 2715, now Public Law 112–28, replaced the requirement in section 14(i)(2)(B)(ii) of the CPSA for the testing of ''random samples'' with a requirement for the testing of ''representative samples.'' On September 21, 2011, CPSC staff submitted a briefing package to the Commission with a proposed rule to implement this new statutory requirement. The proposed rule would amend 16 CFR 1107. On October 19, 2011, the Commission voted unanimously to publish the proposed rule in the **Federal Register**. The proposed rule was published on November 8, 2011, and the comment period ended on January 23, 2012. On June 20, 2012, CPSC staff submitted to the Commission for its consideration a briefing package with a draft final rule. On July 6, 2012, the Commission voted 2–2 on whether to publish the final rule in the **Federal Register**. The Commission reconsidered the matter on November 28, 2012 and voted to approve the draft final rule. The final rule was published in the **Federal Register** on December 5, 2012, with an effective date of February 8, 2013.

Timetable:

Action	Date	FR Cite
Staff Sent Briefing Package to Commission.	09/21/11	
NPRM	11/08/11	76 FR 69586
Commission Decision.	10/19/11	
NPRM Comment Period End.	01/23/12	
Staff Sends Briefing Package to Commission.	06/20/12	
Commission Vote (No Majority).	07/06/12	
Commission Decision.	11/28/12	
Final Rule Published in the **Federal Register**.	12/05/12	77 FR 72205

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Randy Butturini, Project Manager, Consumer Product Safety Commission, Office of Hazard Identification and Reduction, 4330 East West Highway, Bethesda, MD 20814, *Phone:* 301 504–7562, *Email: rbutturini@cpsc.gov.*

RIN: 3041–AD14

303. Products Containing Imidazolines Equivalent to 0.08 Milligrams or More

Legal Authority: 15 U.S.C. sec 1471 to 1477

Abstract: Pursuant to the Poison Prevention Packaging Act of 1970, the Commission is considering a proposed rule that would require child-resistant (''CR'') packaging for any over-the-counter or prescription product containing the equivalent of 0.08 milligrams or more of an imidazoline, a class of drugs that includes tetrahydrozoline, naphazoline, oxymetazoline, and xylometazoline, in a single package. Products containing imidazolines can cause serious adverse reactions, such as central nervous system (''CNS'') depression, decreased heart rate, and depressed ventilation in children treated with these drugs or who accidentally ingest them. CPSC staff submitted a briefing package on the proposed rule for Commission consideration on January 11, 2012. The Commission found preliminarily that availability of 0.08 milligrams or more of an imidazoline in a single package, by reason of its packaging, is such that special packaging is required to protect children under 5 years old from serious personal injury or illness due to handling, using, or ingesting such a substance. On January 18, 2012, the Commission voted unanimously to publish the proposed rule in the **Federal Register**. The proposed rule published on January 25, 2012, and the comment period ended on April 9, 2012. The final briefing package was sent to the Commission on October 7, 2012, the ballot vote was accepted unanimously on November 8, 2012, and the final rule was published December 10, 2012 (77 FR 73294). Companies are required to comply with the final rule by December 10, 2013, or notify staff of their intent to avail themselves of a one year stay of enforcement until December 10, 2014, conditioned upon meeting certain requirements set forth in the preamble to the final rule.

Timetable:

Action	Date	FR Cite
Staff Sent Briefing Package to Commission.	01/11/12	
Commission Decision.	01/18/12	
NPRM	01/25/12	77 FR 3646
NPRM Comment Period End.	04/09/12	
Staff Sent Briefing Package.	11/08/12	
Commission Decision.	11/20/12	
Final Rule Published in the **Federal Register**.	12/10/12	77 FR 73294

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cheryl Osterhout, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2572, *Email: costerhout@cpsc.gov.*

RIN: 3041–AD18

[FR Doc. 2013–17170 Filed 7–22–13; 8:45 am]

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Part XXIII

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2013

AGENCY: Federal Communications Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act (See 5 U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maura McGowan, Telecommunications Specialist, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, 202 418–0990.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (e.g., Docket No. 96–1 or Docket No. 99–1). The abbreviation for the responsible bureau usually precedes the docket number, as in ''MM Docket No. 96–222,'' which indicates that the responsible bureau is the Mass Media Bureau (now the Media Bureau). A docket number consisting of only five digits (e.g., Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM)—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

Further Notice of Proposed Rulemaking (FNPRM)—issued by the Commission when additional comment in the proceeding is sought.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

Marlene H. Dortch,

Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
304	Implementation of the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities.	3060–AG58
305	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
306	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
307	Consumer Information and Disclosure and Truth in Billing and Billing Format	3060–AI61
308	Closed-Captioning of Video Programming **(Section 610 Review)**	3060–AI72
309	Accessibility of Programming Providing Emergency Information	3060–AI75
310	Empowering Consumers to Avoid Bill Shock (Docket No. 10–207)	3060–AJ51
311	Contributions to the Telecommunications Relay Services Fund (CG Docket No. 11–47)	3060–AJ63
312	Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (''Cramming'')	3060–AJ72
313	Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry.	3060–AJ84
314	Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213).	3060–AK00
315	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech.	3060–AK01

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
316	Implementation of the Middle Class Tax Relief and Job Creation Act of 2012—Establishment of a Public Safety Answering Point Do-Not-Call Registry.	3060–AJ74

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
317	New Advanced Wireless Services (ET Docket No. 00–258)	3060–AH65
318	Exposure to Radiofrequency Electromagnetic Fields	3060–AI17
319	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)	3060–AI52
320	Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)	3060–AJ46
321	Innovation in the Broadcast Television Bands (ET Docket No. 10–235)	3060–AJ57
322	Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules (ET Docket No. 10–236).	3060–AJ62
323	Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 11–90)	3060–AJ68
324	WRC–07 Implementation (ET Docket No. 12–338)	3060–AJ93

INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
325	Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band; IB Docket No. 95–91; GEN Docket No. 90–357.	3060–AF93
326	Space Station Licensing Reform (IB Docket No. 02–34)	3060–AH98
327	Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112).	3060–AI42
328	Amendment of the Commission's Rules To Allocate Spectrum and Adopt Service Rules and Procedures To Govern the Use of Vehicle-Mounted Earth Stations (IB Docket No. 07–101).	3060–AI90
329	Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended (IB Docket No. 11–133).	3060–AJ70
330	International Settlements Policy Reform (IB Docket No. 11–80)	3060–AJ77
331	Revisions to Parts 2 and 25 of the Commission's Rules to Govern the Use of Earth Stations Aboard Aircraft (IB Docket No. 12–376).	3060–AJ96
332	Reform of Rules and Policies on Foreign Carrier Entry Into the U.S. Telecommunications Market (IB Docket 12–299).	3060–AJ97
333	Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)	3060–AJ98

MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
334	Competitive Availability of Navigation Devices (CS Docket No. 97–80)	3060–AG28
335	Broadcast Ownership Rules	3060–AH97
336	Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185).	3060–AI38
337	Joint Sales Agreements in Local Television Markets (MB Docket No. 04–256)	3060–AI55
338	Program Access Rules—Sunset of Exclusive Contracts Prohibition and Examination of Programming Tying Arrangements (MB Docket Nos. 12–68, 07–198).	3060–AI87
339	Broadcast Localism (MB Docket No. 04–233)	3060–AJ04
340	Creating a Low Power Radio Service (MM Docket No. 99–25)	3060–AJ07
341	Policies To Promote Rural Radio Service and To Streamline Allotment and Assignment Procedures (MB Docket No. 09–52).	3060–AJ23
342	Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)	3060–AJ27
343	Amendment of the Commission's Rules Related to Retransmission Consent (MB Docket No. 10–71)	3060–AJ55
344	Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No.11–43).	3060–AJ56
345	Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154).	3060–AJ67
346	Noncommercial Educational Station Fundraising for Third-Party Nonprofit Organizations (MB Docket No. 12–106).	3060–AJ79

MEDIA BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
347	Basic Service Tier Encryption (MB Docket No. 11–169)	3060–AJ76

OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
348	Assessment and Collection of Regulatory Fees	3060–AI79
349	Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of CORES Registration System; MD Docket No. 10–234.	3060–AJ54

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
350	Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems	3060–AG34
351	Enhanced 911 Services for Wireline	3060–AG60
352	In the Matter of the Communications Assistance for Law Enforcement Act	3060–AG74
353	Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements.	3060–AG85
354	Implementation of 911 Act (CC Docket No. 92–105, WT Docket No. 00–110)	3060–AH90
355	Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)	3060–AI22
356	E911 Requirements for IP-Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36).	3060–AI62
357	Stolen Vehicle Recovery System (SVRS)	3060–AJ01
358	Commercial Mobile Alert System	3060–AJ03
359	Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114	3060–AJ52
360	Private Land Radio Services/Miscellaneous Wireless Communications Services	3060–AJ99

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
361	Emergency Alert System	3060–AJ33

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
362	Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers	3060–AH83
363	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)	3060–AI35
364	Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211).	3060–AI88
365	Facilitating the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands.	3060–AJ12
366	Amendment of the Rules Regarding Maritime Automatic Identification Systems (WT Docket No. 04–344)	3060–AJ16
367	Service Rules for Advanced Wireless Services in the 2155–2175 MHz Band	3060–AJ19
368	Service Rules for Advanced Wireless Services in the 1915 to 1920 MHz, 1995 to 2000 MHz, 2020 to 2025 MHz, and 2175 to 2180 MHz Bands.	3060–AJ20
369	Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band (WT Docket No. 08–166) Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary.	3060–AJ21
370	Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHz Band, and To Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels.	3060–AJ22
371	Amendment of Part 101 to Accommodate 30 MHz Channels in the 6525–6875 MHz Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHz Band (WT Docket No. 04–114).	3060–AJ28
372	In the Matter of Service Rules for the 698 to 746, 747 to 762, and 777 to 792 MHz Bands	3060–AJ35
373	National Environmental Act Compliance for Proposed Tower Registrations; In the Matter of Effects on Migratory Birds.	3060–AJ36
374	Amendment of Part 90 of the Commission's Rules	3060–AJ37
375	Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility.	3060–AJ47
376	2004 and 2006 Biennial Regulatory Reviews—Streamlining and Other Revisions of the Commission's Rules Governing Construction, Marking, and Lighting of Antenna Structures.	3060–AJ50
377	Universal Service Reform Mobility Fund (WT Docket No. 10–208)	3060–AJ58
378	Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz.	3060–AJ59
379	Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHz Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110).	3060–AJ71
380	Service Rules for Advanced Wireless Services in the 2000–2020 MHz and 2180–2200 MHz Bands	3060–AJ73
381	Promoting Interoperability in the 700 MHz Commercial Spectrum; Interoperability of Mobile User Equipment Across Paired Commercial Spectrum Blocks in the 700 MHz Band.	3060–AJ78

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
382	Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands (WT Docket No. 12–357).	3060–AJ86
383	Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87
384	Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 and 09–42).	3060–AJ88
385	Amendment of the Commission's Rules Concerning Commercial Radio Operators (WT Docket No. 10–177).	3060–AJ91

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
386	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AF85
387	2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements	3060–AH72
388	Access Charge Reform and Universal Service Reform	3060–AH74
389	National Exchange Carrier Association Petition	3060–AI47
390	IP-Enabled Services	3060–AI48
391	Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07–135)	3060–AJ02
392	Jurisdictional Separations	3060–AJ06
393	Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21).	3060–AJ14
394	Form 477; Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15
395	Preserving the Open Internet; Broadband Industry Practices	3060–AJ30
396	Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)	3060–AJ32
397	Electronic Tariff Filing System (WC Docket No. 10–141)	3060–AJ41
398	Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51).	3060–AJ64

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Long-Term Actions

304. Implementation of the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities

Legal Authority: 47 U.S.C. 255; 47 U.S.C. 251(a)(2)

Abstract: These proceedings implement the provisions of sections 255 and 251(a)(2) of the Communications Act and related sections of the Telecommunications Act of 1996 regarding the accessibility of telecommunications equipment and services to persons with disabilities.

Timetable:

Action	Date	FR Cite
R&O	08/14/96	61 FR 42181
NOI	09/26/96	61 FR 50465
NPRM	05/22/98	63 FR 28456
R&O	11/19/99	64 FR 63235
Further NOI	11/19/99	64 FR 63277
Public Notice	01/07/02	67 FR 678
R&O	08/06/07	72 FR 43546
Petition for Waiver	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Final Rule	04/21/08	73 FR 21251
Public Notice	08/01/08	73 FR 45008
Extension of Waiver.	05/15/08	73 FR 28057
Extension of Waiver.	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
Extension of Waiver.	07/29/09	74 FR 37624
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
FNPRM	12/30/11	76 FR 82240
Comment Period End.	03/14/12	
R&O	12/30/11	76 FR 82354
Announcement of Effective Date.	04/25/12	77 FR 24632
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cheryl J. King, Deputy Chief, Disability Rights Office, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2284, *TDD Phone:* 202 418–0416, *Fax:* 202 418–0037, *Email:* *cheryl.king@fcc.gov.*

RIN: 3060–AG58

305. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278)

Legal Authority: 47 U.S.C. 227

Abstract: On July 3, 2003, the Commission released a Report and Order establishing, along with the FTC, a national do-not-call registry. The Commission's Report and Order also adopted rules on the use of predictive dialers, the transmission of caller ID information by telemarketers, and the sending of unsolicited fax advertisements.

On September 21, 2004, the Commission released an Order amending existing safe harbor rules for telemarketers subject to the do-not-call registry to require such telemarketers to access the do-not-call list every 31 days, rather than every 3 months.

On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration amending its facsimile advertising rules to implement the Junk Fax Protection Act of 2005. On October 14, 2008, the Commission released an Order on Reconsideration addressing certain issues raised in petitions for reconsideration and/or

clarification of the Report and Order and Third Order on Reconsideration.

On January 4, 2008, the Commission released a Declaratory Ruling, clarifying that autodialed and prerecorded message calls to wireless numbers that are provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the ''prior express consent'' of the called party.

Following a December 4, 2007, NPRM, on June 17, 2008, the Commission released a Report and Order amending its rules to require sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry indefinitely, unless the registration is cancelled by the consumer or the number is removed by the database administrator.

Following a January 22, 2010, NPRM, the Commission released a Report and Order requiring telemarketers to obtain prior express written consent, including by electronic means, before making an autodialed or prerecorded telemarketing call to a wireless number or before making a prerecorded telemarketing call to a residential line; eliminating the ''established business relationship'' exemption to the consent requirement for prerecorded telemarketing calls to residential lines; requiring telemarketers to provide an automated, interactive ''opt-out'' mechanism during autodialed or prerecorded telemarketing calls to wireless numbers and during prerecorded telemarketing calls to residential lines; and requiring that the abandoned call rate for telemarketing calls be calculated on a ''per-campaign'' basis.

On November 29, 2012, the Commission released a Declaratory Ruling clarifying that sending a one-time text message confirming a consumer's request that no further text messages be sent does not violate the Telephone Consumer Protection Act (TCPA) or the Commission's rules as long as the confirmation text only confirms receipt of the consumer's opt-out request, and does not contain marketing, solicitations, or an attempt to convince the consumer to reconsider his or her opt-out decision. The ruling applies only when the sender of the text messages has obtained prior express consent, as required by the TCPA and Commission rules, from the consumer to be sent text messages using an automatic telephone dialing system.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Recon	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Recon	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Recon	10/30/08	73 FR 64556
NPRM	03/22/10	75 FR 13471
R&O	06/11/12	77 FR 34233
Public Notice	06/30/10	75 FR 34244
Public Notice (Recon Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections	11/08/12	77 FR 66935
Declaratory Ruling (Release Date).	11/29/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kurt Schroeder, Deputy Chief, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0966, *Email: kurt.schroeder@fcc.gov.*

RIN: 3060–AI14

306. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This proceeding established a new docket flowing from the previous telecommunications relay service (TRS) history, CC Docket No. 98–67. This proceeding continues the Commission's inquiry into improving the quality of TRS and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
R&O, Order on Recon.	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Order	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order	07/01/05	70 FR 38134
Order on Recon	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order	09/14/05	70 FR 54294
Order	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
R&O/Order on Recon.	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
NPRM	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM	05/31/06	71 FR 30848
FNPRM	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Declaratory Ruling on Recon.	07/06/06	71 FR 38268
Order on Recon	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order	03/14/07	72 FR 11789
R&O	08/06/07	72 FR 43546
Public Notice	08/16/07	72 FR 46060
Order	11/01/07	72 FR 61813
Public Notice	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order	02/19/08	73 FR 9031
Order	04/21/08	73 FR 21347
R&O	04/21/08	73 FR 21252
Order	04/23/08	73 FR 21843
Public Notice	04/30/08	73 FR 23361
Order	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM	07/18/08	73 FR 41307
R&O	07/18/08	73 FR 41286
Public Notice	08/01/08	73 FR 45006
Public Notice	08/05/08	73 FR 45354
Public Notice	10/10/08	73 FR 60172
Order	10/23/08	73 FR 63078
2nd R&O and Order on Recon.	12/30/08	73 FR 79683
Order	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
NPRM	05/21/09	74 FR 23815
Public Notice	05/21/09	74 FR 23859
Public Notice	06/12/09	74 FR 28046
Order	07/29/09	74 FR 37624
Public Notice	08/07/09	74 FR 39699
Order	09/18/09	74 FR 47894
Order	10/26/09	74 FR 54913
Public Notice	05/12/10	75 FR 26701

Action	Date	FR Cite
Order Denying Stay Motion (Release Date).	07/09/10	
Order	08/13/10	75 FR 49491
Order	09/03/10	75 FR 54040
NPRM	11/02/10	75 FR 67333
NPRM	05/02/11	76 FR 24442
Order	07/25/11	76 FR 44326
Final Rule (Order)	09/27/11	76 FR 59551
Final Rule; Announcement of Effective Date.	11/22/11	76 FR 72124
Proposed Rule (Public Notice).	02/28/12	77 FR 11997
Comment Period End.	03/20/12	
Proposed Rule (FNPRM).	02/01/12	77 FR 4948
FNPRM Comment Period End.	02/28/12	
First R&O	07/25/12	77 FR 43538
Public Notice	10/29/12	77 FR 65526
Comment Period End.	11/29/12	
Order on Reconsideration.	12/26/12	77 FR 75894
Order	02/05/13	78 FR 8030
Order (Interim Rule).	02/05/13	78 FR 8032
NPRM	02/05/13	78 FR 8090
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karen Peltz Strauss, Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2388, *Email: karen.strauss@fcc.gov.*

RIN: 3060–AI15

307. Consumer Information and Disclosure and Truth in Billing and Billing Format

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 258

Abstract: In 1999, the Commission adopted truth-in-billing rules to address concerns that there is consumer confusion relating to billing for telecommunications services. On March 18, 2005, the Commission released an Order and Further Notice of Proposed Rulemaking (FNPRM) to further facilitate the ability of telephone consumers to make informed choices among competitive service offerings.

On August 28, 2009, the Commission released a Notice of Inquiry that asks questions about information available to consumers at all stages of the purchasing process for all communications services, including (1) choosing a provider; (2) choosing a service plan; (3) managing use of the service plan; and (4) deciding whether and when to switch an existing provider or plan.

On October 14, 2010, the Commission released a Notice of Proposed Rulemaking (NPRM) proposing rules that would require mobile service providers to provide usage alerts and information that will assist consumers in avoiding unexpected charges on their bills.

On July 12, 2011, the Commission released an NPRM proposing rules that would assist consumers in detecting and preventing the placement of unauthorized charges on their telephone bills, an unlawful and fraudulent practice, commonly referred to as ''cramming.''

On April 27, 2012, the Commission adopted rules to address ''cramming'' on wireline telephone bills and released an FNPRM seeking comment on additional measures to protect wireline and wireless consumers from unauthorized charges.

Timetable:

Action	Date	FR Cite
FNPRM	05/25/05	70 FR 30044
R&O	05/25/05	70 FR 29979
NOI	08/28/09	
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM	11/26/10	75 FR 72773
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Reply Comment Period Extended).	11/30/11	76 FR 74017
Reply Comment Period End.	12/05/11	
R&O	05/24/12	77 FR 30915
FNPRM	05/24/12	77 FR 30972
FNPRM Comment Period End.	07/09/12	
Order (Comment Period Extended).	07/17/12	77 FR 41955
Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71353
Correction of Final Rule.	11/30/12	77 FR 71354
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John B. Adams, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2854, *Email: johnb.adams@fcc.gov.*

RIN: 3060–AI61

308. Closed-Captioning of Video Programming (Section 610 Review)

Legal Authority: 47 U.S.C. 613

Abstract: The Commission's closed-captioning rules are designed to make video programming more accessible to deaf and hard-of-hearing Americans. This proceeding resolves some issues regarding the Commission's closed-captioning rules that were raised for comment in 2005, and also seeks comment on how a certain exemption from the closed-captioning rules should be applied to digital multicast broadcast channels.

Timetable:

Action	Date	FR Cite
NPRM	02/03/97	62 FR 4959
R&O	09/16/97	62 FR 48487
Order on Recon	10/20/98	63 FR 55959
NPRM	09/26/05	70 FR 56150
Order and Declaratory Ruling.	01/13/09	74 FR 1594
NPRM	01/13/09	74 FR 1654
Final Rule Correction.	09/11/09	74 FR 46703
Final Rule Announcement of Effective Date.	02/19/10	75 FR 7370
Order	02/19/10	75 FR 7368
Order Suspending Effective Date.	02/19/10	75 FR 7369
Waiver Order	10/04/10	75 FR 61101
Public Notice	11/17/10	75 FR 70168
Interim Final Rule (Order).	11/01/11	76 FR 67376
Final Rule (MO&O).	11/01/11	76 FR 67377
NPRM	11/01/11	76 FR 67397
NPRM Comment Period End.	12/16/11	
Public Notice	05/04/12	77 FR 26550
Public Notice	12/15/12	77 FR 72348
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov.*

RIN: 3060–AI72

309. Accessibility of Programming Providing Emergency Information

Legal Authority: 47 U.S.C. 613

Abstract: In this proceeding, the Commission adopted rules detailing how video programming distributors must make emergency information accessible to persons with hearing and visual disabilities.

Timetable:

Action	Date	FR Cite
FNPRM	01/21/98	63 FR 3070

Action	Date	FR Cite
NPRM	12/01/99	64 FR 67236
NPRM Correction	12/22/99	64 FR 71712
Second R&O	05/09/00	65 FR 26757
R&O	09/11/00	65 FR 54805
Final Rule; Correction.	09/20/00	65 FR 5680
NPRM	11/28/12	77 FR 70970
R&O (Release Date).	04/09/13	
FNPRM (Release Date).	04/09/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov.*

RIN: 3060–AI75

310. Empowering Consumers To Avoid Bill Shock (Docket No. 10–207)

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: On October 14, 2010, the Commission released a Notice of Proposed Rulemaking which proposes a rule that would require mobile service providers to provide usage alerts and information that will assist consumers in avoiding unexpected charges on their bills.

Timetable:

Action	Date	FR Cite
Public Notice	05/20/10	75 FR 28249
NPRM	11/26/10	75 FR 72773
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Div., Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov.*

RIN: 3060–AJ51

311. Contributions to the Telecommunications Relay Services Fund (CG Docket No. 11–47)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225; 47 U.S.C. 616

Abstract: The Commission prescribes by regulation the obligations of each provider of interconnected and non-interconnected Voice over Internet Protocol (VoIP) service to participate in and contribute to the Interstate Telecommunications Relay Services Fund in a manner that is consistent with and comparable to such fund.

Timetable:

Action	Date	FR Cite
NPRM	04/04/11	76 FR 18490
NPRM Comment Period End.	05/04/11	
Final Rule	10/25/11	76 FR 65965
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ63

312. Empowering Consumers To Prevent and Detect Billing for Unauthorized Charges (''Cramming'')

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: On July 12, 2011, the Commission released a Notice of Proposed Rulemaking proposing rules that would assist consumers in detecting and preventing the placement of unauthorized charges on telephone bills, an unlawful and fraudulent practice commonly referred to as ''cramming.''

On April 27, 2012, the Commission adopted rules to address ''cramming'' on wireline telephone bills and released a Further Notice of Proposed Rulemaking seeking comment on additional measures to protect wireline and wireless consumers from unauthorized charges.

Timetable:

Action	Date	FR Cite
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Extends Reply Comment Period).	11/30/11	76 FR 74017
NPRM Comment Period End.	12/05/11	
FNPRM	05/24/12	77 FR 30972
R&O	05/24/12	77 FR 30915
FNPRM Comment Period End.	07/09/12	
Order (Extends Reply Comment Period).	07/17/12	77 FR 41955
FNPRM Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71354
Correction of Final Rule.	11/30/12	77 FR 71353
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John B. Adams, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2854, *Email: johnb.adams@fcc.gov.*

RIN: 3060–AJ72

313. Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry

Legal Authority: Pub. L. 112–96 sec 6507

Abstract: The Commission issued, on May 22, 2012, an NPRM to initiate a proceeding to create a Do-Not-Call registry for public safety answer points (PSAPs), as required by section 6507 of the Middle Class Tax Relief and Job Creation Act of 2012. The statute requires the Commission to establish a registry that allows PSAPs to register their telephone numbers on a do-not-call list; prohibit the use of automatic dialing equipment to contact registered numbers; and implement a range of monetary penalties for disclosure of registered numbers and for use of automatic dialing equipment to contact such numbers. On October 17, 2012, the commission adopted final rules implementing the statutory requirements described above.

Timetable:

Action	Date	FR Cite
NPRM	06/21/12	77 FR 37362
R&O	10/29/12	77 FR 71131
Correction Amendments.	02/13/13	78 FR 10099
Announcement of Effective Date.	03/26/13	78 FR 18246
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ84

314. • Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 255; 47 U.S.C. 617; 47 U.S.C. 618; 47 U.S.C. 619

Abstract: These proceedings implement sections 716, 717, and 718 of the Communications Act, which were added by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), related to the accessibility of advanced communications services and equipment (section 716), recordkeeping and enforcement requirements for entities subject to sections 255, 716, and 718 (section 717); and accessibility of Internet browsers built into mobile phones (section 718).

Timetable:

Action	Date	FR Cite
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
NPRM Comment Period End.	05/13/11	
FNPRM	12/30/11	76 FR 82240
R&O	12/30/11	76 FR 82354
FNPRM Comment Period End.	03/14/12	
Announcement of Effective Date.	04/25/12	77 FR 24632
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2075, *Email: rosaline.crawford@fcc.gov*.

RIN: 3060–AK00

315. • Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This FCC initiated this proceeding in its effort to ensure that IP CTS is available for eligible users only. In doing so, the FCC released an Interim Order and Notice of Proposed Rulemaking (NPRM) to address certain practices related to the provision and marketing of Internet Protocol Captioned Telephone Service (IP CTS). IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, this new Order establishes the several requirements on a temporary basis from March 7, 2013 to September 3, 2013.

Timetable:

Action	Date	FR Cite
NPRM	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032
Order	02/05/13	78 FR 8030
NPRM Comment Period End.	03/12/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK01

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Completed Actions

316. Implementation of the Middle Class Tax Relief and Job Creation Act of 2012—Establishment of a Public Safety Answering Point Do-Not-Call Registry

Legal Authority: Pub. L. 112–96, sec 6507

Abstract: The Commission must issue by May 22, 2012, an NPRM to initiate a proceeding to create a Do-Not-Call registry for public safety answer points (PSAPs), as required by section 6507 of the Middle Class Tax Relief and Job Creation Act of 2012. The statute requires the Commission to establish a registry that allows PSAPs to register their telephone numbers on a do-not-call list; prohibit the use of automatic dialing equipment to contact registered numbers; and implement a range of monetary penalties for disclosure of registered numbers and for use of automatic dialing equipment to contact such numbers.

Timetable:

Action	Date	FR Cite
NPRM	06/21/12	77 FR 37362
R&O (Release Date).	10/17/12	
Withdrawn	05/14/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Div., Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov*.

RIN: 3060–AJ74

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Long-Term Actions

317. New Advanced Wireless Services (ET Docket No. 00–258)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: This proceeding explores the possible uses of frequency bands below 3 GHz to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Third Notice of Proposed Rulemaking discusses the frequency bands that are still under consideration in this proceeding and invites additional comments on their disposition. Specifically, it addresses the Unlicensed Personal Communications Service (UPCS) band at 1910–1930 MHz, the Multipoint Distribution Service (MDS) spectrum at 2155–2160/62 MHz bands, the Emerging Technology spectrum, at 2160–2165 MHz, and the bands reallocated from MSS 91990–2000 MHz, 2020–2025 MHz, and 2165–2180 MHz. We seek comment on these bands with respect to using them for paired or unpaired Advance Wireless Service (AWS) operations or as relocation spectrum for existing services.

The seventh Report and Order facilitates the introduction of Advanced Wireless Service (AWS) in the band 1710–1755 MHz—an integral part of a 90 MHz spectrum allocation recently reallocated to allow for such new and innovative wireless services. We largely

adopt the proposals set forth in our recent AWS Fourth NPRM in this proceeding that are designed to clear the 1710–1755 MHz band of incumbent Federal Government operations that would otherwise impede the development of new nationwide AWS services. These actions are consistent with previous actions in this proceeding and with the United States Department of Commerce, National Telecommunications and Information Administration (NTIA) 2002 Viability Assessment, which addressed relocation and reaccommodation options for Federal Government operations in the band.

The eighth Report and Order reallocated the 2155–2160 MHz band for fixed and mobile services and designates the 2155–2175 MHz band for Advanced Wireless Service (AWS) use. This proceeding continues the Commission's ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including Advanced Wireless Services.

The Order requires Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band to provide information on the construction status and operational parameters of each incumbent BRS system that would be the subject of relocation.

The Notice of Proposed Rule Making requested comments on the specific relocation procedures applicable to Broadband Radio Service (BRS) operations in the 2150–2160/62 MHz band, which the Commission recently decided will be relocated to the newly restructured 2495–2690 MHz band. The Commission also requested comments on the specific relocation procedures applicable to Fixed Microwave Service (FS) operations in the 2160–2175 MHz band.

The Office of Engineering and Technology (OET) and the Wireless Telecommunications Bureau (WTB) set forth the specific data that Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band must file along with the deadline date and procedures for filing this data on the Commission's Universal Licensing System (ULS). The data will assist in determining future AWS licensees' relocation obligations.

The ninth Report and Order established procedures for the relocation of Broadband Radio Service (BRS) operations from the 2150–2160/62 MHz band, as well as for the relocation of Fixed Microwave Service (FS) operations from the 2160–2175 MHz band, and modified existing relocation procedures for the 2110–2150 MHz and 2175–2180 MHz bands. It also established cost-sharing rules to identify the reimbursement obligations for Advanced Wireless Service (AWS) and Mobile Satellite Service (MSS) entrants benefiting from the relocation of incumbent FS operations in the 2110–2150 MHz and 2160–2200 MHz bands and AWS entrants benefiting from the relocation of BRS incumbents in the 2150–2160/62 MHz band. The Commission continues its ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including AWS. The Order dismisses a petition for reconsideration filed by the Wireless Communications Association International, Inc. (WCA) as moot.

Two petitions for Reconsideration were filed in response to the ninth Report and Order.

The Report and Orders and Declaratory Ruling concludes the Commission's longstanding efforts to relocate the Broadcast Auxiliary Service (BAS) from the 1990–2110 MHz band to the 2025–2110 MHz band, freeing up 35 megahertz of spectrum in order to foster the development of new and innovative services. This decision addresses the outstanding matter of Sprint Nextel Corporation's (Sprint Nextel) inability to agree with Mobile Satellite Service (MSS) operators in the band on the sharing of the costs to relocate the BAS incumbents. To resolve this controversy, the Commission applied its time-honored relocation principles for emerging technologies previously adopted for the BAS band to the instant relocation process, where delays and unanticipated developments have left ambiguities and misconceptions among the relocating parties. In the process, the Commission balances the responsibilities for and benefits of relocating incumbent BAS operations among all the new entrants in the different services that will operate in the band.

The Commission proposed to modify its cost-sharing requirements for the 2 GHz BAS band because the circumstances surrounding the BAS transition are very different than what was expected when the cost-sharing requirements were adopted. The Commission believed that the best course of action was to propose new requirements that would address the ambiguity of applying the literal language of the current requirements to the changed circumstances, as well as balance the responsibilities for and benefits of relocating incumbent BAS operations among all new entrants in the band based on the Commission's relocation policies set forth in the Emerging Technologies proceeding.

The Commission proposed to eliminate, as of January 1, 2009, the requirement that Broadcast Auxiliary Service (BAS) licensees in the thirty largest markets and fixed BAS links in all markets be transitioned before the Mobile Satellite Service (MSS) operators can begin offering service. The Commission also sought comments on how to mitigate interference between new MSS entrants and incumbent BAS licensees who had not completed relocation before the MSS entrants begin offering service. In addition, the Commission sought comments on allowing MSS operators to begin providing service in those markets where BAS incumbents have been transitioned.

Timetable:

Action	Date	FR Cite
NPRM	01/23/01	66 FR 7438
NPRM Comment Period End.	03/09/01	
Final Report	04/11/01	66 FR 18740
FNPRM	09/13/01	66 FR 47618
MO&O	09/13/01	66 FR 47591
First R&O	10/25/01	66 FR 53973
Petition for Recon	11/02/01	66 FR 55666
Second R&O	01/24/03	68 FR 3455
Third NPRM	03/13/03	68 FR 12015
Seventh R&O	12/29/04	69 FR 7793
Petition for Recon	04/13/05	70 FR 19469
Eighth R&O	10/26/05	70 FR 61742
Order	10/26/05	70 FR 61742
NPRM	10/26/05	70 FR 61752
Public Notice	12/14/05	70 FR 74011
Ninth R&O and Order.	05/24/06	71 FR 29818
Petition for Recon	07/19/06	71 FR 41022
5th R&O, 11th R&O, 6th R&O, and Declaratory Ruling.	11/02/10	75 FR 67227
R&O and NPRM	06/23/09	74 FR 29607
FNPRM	03/31/08	73 FR 16822
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney Small, Economist, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2452, *Fax:* 202 418–1944, *Email: rodney.small@fcc.gov.*

RIN: 3060–AH65

318. Exposure to Radiofrequency Electromagnetic Fields

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 302 and 303; 47 U.S.C. 309(j); 47 U.S.C. 336

Abstract: The Notice of Proposed Rulemaking (NPRM) proposed amendments to the FCC rules relating to compliance of transmitters and facilities

with guidelines for human exposure to radio frequency (RF) energy.

Timetable:

Action	Date	FR Cite
NPRM	09/08/03	68 FR 52879
NPRM Comment Period End.	12/08/03	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ira Keltz, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0616, *Fax:* 202 418–1944, *Email: ikeltz@fcc.gov.*

RIN: 3060–AI17

319. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (this unused TV spectrum is often termed ''white spaces''). This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid, and if necessary correct, any interference that may occur.

The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public Internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of ''opportunistic use'' of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission's actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band but eventually in other frequency bands as well.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O	12/06/10	75 FR 75814
Petitions for Recon.	02/09/11	76 FR 7208
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AI52

320. Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)

Legal Authority: 47 U.S.C. 154(i) and 301; 47 U.S.C. 303(c) and 303(f); 47 U.S.C. 303(r) and 303(y); 47 U.S.C. 310

Abstract: The Notice of Proposed Rulemaking proposed to take a number of actions to further the provision of terrestrial broadband services in the MSS bands. In the 2 GHz MSS band, the Commission proposed to add co-primary Fixed and Mobile allocations to the existing Mobile-Satellite allocation. This would lay the groundwork for providing additional flexibility in use of the 2 GHz spectrum in the future. The Commission also proposed to apply the terrestrial secondary market spectrum leasing rules and procedures to transactions involving terrestrial use of the MSS spectrum in the 2 GHz, Big LEO, and L-bands in order to create greater certainty and regulatory parity with bands licensed for terrestrial broadband service.

The Commission also asked, in a Notice of Inquiry, about approaches for creating opportunities for full use of the 2 GHz band for stand-alone terrestrial uses. The Commission requested comment on ways to promote innovation and investment throughout the MSS bands while also ensuring market-wide mobile satellite capability to serve important needs like disaster recovery and rural access.

In the Report and Order the Commission amended its rules to make additional spectrum available for new investment in mobile broadband networks while also ensuring that the United States maintains robust mobile satellite service capabilities. First, the Commission adds co-primary Fixed and Mobile allocations to the Mobile Satellite Service (MSS) 2 GHz band, consistent with the International Table of Allocations, allowing more flexible use of the band, including for terrestrial broadband services, in the future. Second, to create greater predictability and regulatory parity with the bands licensed for terrestrial mobile broadband service, the Commission extends its existing secondary market spectrum manager spectrum leasing policies, procedures, and rules that currently apply to wireless terrestrial services to terrestrial services provided using the Ancillary Terrestrial Component (ATC) of an MSS system.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding concerning Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz, and published pursuant to 47 CFR 1.429(e). See 1.4(b)(1) of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49871
NPRM Comment Period End.	09/15/10	
Reply Comment Period End.	09/30/10	
R&O	05/31/11	76 FR 31252
Petitions for Recon.	08/10/11	76 FR 49364
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ46

321. Innovation in the Broadcast Television Bands (ET Docket No. 10–235)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(r)

Abstract: The Commission initiated this proceeding to further its ongoing commitment to addressing America's growing demand for wireless broadband services, to spur ongoing innovation and investment in mobile technology, and to ensure that America keeps pace with the global wireless revolution by making a significant amount of new spectrum available for broadband. The approach proposed is consistent with the goal set forth in the National Broadband Plan (the Plan) to repropose up to 120 megahertz from the broadcast television bands for new wireless broadband uses through, in part, voluntary contributions of spectrum to an incentive auction. Reallocation of this spectrum as proposed will provide the necessary flexibility for meeting the requirements of these new applications.

In the Report and Order, the Commission took preliminary steps toward making a significant portion of the UHF and VHF frequency bands (U/V Bands) currently used by the broadcast television service available for new uses. This action serves to further address the nation's growing demand for wireless broadband services, promote the ongoing innovation and investment in mobile communications, and ensure that the United States keeps pace with the global wireless revolution. At the same time, the approach helps preserve broadcast television as a healthy, viable medium and would be consistent with the general proposal set forth in the National Broadband Plan to repurpose spectrum from the U/V bands for new wireless broadband uses through, in part, voluntary contributions of spectrum to an incentive auction. This action is consistent with the recent enactment by Congress of new incentive auction authority for the Commission (Spectrum Act). Specifically, this item sets out a framework by which two or more television licensees may share a single six MHz channel in connection with an incentive auction.

However, the Report and Order did not act on the proposals in the Notice of Proposed Rulemaking to establish fixed and mobile allocations in the U/V bands or to improve TV service on VHF channels. The Report and Order stated that the Commission will undertake a broader rulemaking to implement the Spectrum Act's provisions relating to an incentive auction for U/V band spectrum, and that it believes it will be more efficient to act on new allocations in the context of that rulemaking. In addition, the record created in response to the Notice of Proposed Rulemaking does not establish a clear way forward to significantly increase the utility of the VHF bands for the operation of television services. The Report and Order states that the Commission will revisit this matter in a future proceeding.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5521
NPRM Comment Period End.	03/18/11	
R&O	05/23/12	77 FR 30423
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ57

322. Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules (ET Docket No. 10–236)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301 and 303

Abstract: The Commission initiated this proceeding to promote innovation and efficiency in spectrum use in the Experimental Radio Service (ERS). For many years, the ERS has provided fertile ground for testing innovative ideas that have led to new services and new devices for all sectors of the economy. The Commission proposed to leverage the power of experimental radio licensing to accelerate the rate at which these ideas transform from prototypes to consumer devices and services. Its goal is to inspire researchers to dream, discover, and deliver the innovations that push the boundaries of the broadband ecosystem. The resulting advancements in devices and services available to the American public and greater spectrum efficiency over the long term will promote economic growth, global competitiveness, and a better way of life for all Americans.

In the Report and Order (R&O), the Commission revised and streamlined its rules to modernize the Experimental Radio Service (ERS). The rules adopted in the R&O updated the ERS to a more flexible framework to keep pace with the speed of modern technological change while continuing to provide an environment where creativity can thrive. To accomplish this transition, the Commission created three new types of ERS licenses—the program license, the medical testing license, and the compliance testing license—to benefit the development of new technologies, expedite their introduction to the marketplace, and unleash the full power of innovators to keep the United States at the forefront of the communications industry. The Commission's actions also modified the market trial rules to eliminate confusion and more clearly articulate its policies with respect to marketing products prior to equipment certification. The Commission believes that these actions will remove regulatory barriers to experimentation, thereby permitting institutions to move from concept to experimentation to finished product more rapidly and to more quickly implement creative problem-solving methodologies.

Timetable:

Action	Date	FR Cite
NPRM	02/08/11	76 FR 6928
NPRM Comment Period End.	03/10/11	
R&O	04/29/13	78 FR 25138
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nnake Nweke, Chief, Experimental Licensing Branch, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0785, *Email: nnake.nweke@fcc.gov.*

RIN: 3060–AJ62

323. Operation of Radar Systems in the 76–77 GHZ Band (ET Docket No. 11–90)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303(f)

Abstract: The Commission proposes to amend its rules to enable enhanced vehicular radar technologies in the 76–77 GHz band to improve collision avoidance and driver safety. Vehicular radars can determine the exact distance and relative speed of objects in front of, beside, or behind a car to improve the driver's ability to perceive objects under bad visibility conditions or objects that are in blind spots. These modifications to the rules will provide more efficient use of spectrum, and enable the automotive and fixed radar application industries to develop enhanced safety measures for drivers and the general public. The Commission takes this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era'').

This Report and Order amends the Commission's rules to provide a more efficient use of the 76–77 GHz band, and to enable the automotive and aviation industries to develop enhanced safety

measures for drivers and the general public. Specifically, the Commission is eliminated the in-motion and not-in-motion distinction for vehicular radars, and instead adopted new uniform emission limits for forward, side, and rear-looking vehicular radars. This will facilitate enhanced vehicular radar technologies to improve collision avoidance and driver safety. The Commission also amended its rules to allow the operation of fixed radars at airport locations in the 76–77 GHz band for purposes of detecting foreign object debris on runways and monitoring aircraft and service vehicles on taxiways and other airport vehicle service areas that have no public vehicle access. The Commission took this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era'').

Timetable:

Action	Date	FR Cite
NPRM	06/16/11	76 FR 35176
R&O	08/13/12	77 FR 48097
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Aamer Zain, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2437, *Email: aamer.zain@fcc.gov.*

RIN: 3060–AJ68

324. • WRC–07 Implementation (ET Docket No. 12–338)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303

Abstract: In the Notice of Proposed Rulemaking (NPRM), the Commission proposed to amend Parts 1, 2, 74, 78, 87, 90, and 97 of its rules to implement allocation decisions from the World Radiocommunication Conference (Geneva, 2007) (WRC 07) concerning portions of the radio frequency (RF) spectrum between 108 MHz and 20.2 GHz and to make certain updates to its rules in this frequency range. The NPRM follows the Commission's July 2010 WRC–07 Table Clean-up Order, 75 FR 62924, October 13, 2010, which made certain nonsubstantive, editorial revisions to the Table of Frequency Allocations (Allocation Table) and to other related rules. The Commission also addressed the recommendations for implementation of the WRC–07 Final Acts that the National Telecommunications and Information Administration (NTIA) submitted to the Commission in August 2009. As part of its comprehensive review of the Allocation Table, the Commission also proposed to make allocation changes that are not related to the WRC–07 Final Acts and update certain service rules, and requested comment on other allocation issues that concern portions of the RF spectrum between 137.5 kHz and 54.25 GHz.

Timetable:

Action	Date	FR Cite
NPRM	12/27/12	77 FR 76250
NPRM Comment Period End.	02/25/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Mooring, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2450, *Fax:* 202 418–1944, *Email: tom.mooring@fcc.gov.*

RIN: 3060–AJ93

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Long-Term Actions

325. Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band; IB Docket No. 95–91; GEN Docket No. 90–357

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 151(i); 47 U.S.C. 154(j); 47 U.S.C. 157; 47 U.S.C. 309(j)

Abstract: In 1997, the Commission adopted service rules for the satellite digital audio radio service (SDARS) in the 2320–2345 MHz frequency band and sought further comment on proposed rules governing the use of complementary SDARS terrestrial repeaters. The Commission released a second further notice of proposed rulemaking in January 2008, to consider new proposals for rules to govern terrestrial repeaters operations. The Commission released a Second Report and Order on May 20, 2010, which adopted rules governing the operation of SDARS terrestrial repeaters, including establishing a blanket licensing regime for repeaters operating up to 12 kilowatts average equivalent isotropically radiated power.

On October 17, 2012, the Commission released an Order on Reconsideration that addressed various petitions for reconsideration of the 2010 Second Report and Order.

Timetable:

Action	Date	FR Cite
NPRM	06/15/95	60 FR 35166
R&O	03/11/97	62 FR 11083
FNPRM	04/18/97	62 FR 19095
Second FNPRM	01/15/08	73 FR 2437
FNPRM Comment Period End.	03/17/08	
2nd R&O	05/20/10	75 FR 45058
Order on Recon	03/13/13	78 FR 2013
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jay Whaley, Attorney, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7184, *Fax:* 202 418–0748, *Email: jwhaley@fcc.gov.*

RIN: 3060–AF93

326. Space Station Licensing Reform (IB Docket No. 02–34)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 303(c); 47 U.S.C. 303(g); * * *

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) to streamline its procedures for reviewing satellite license applications. Before 2003, the Commission used processing rounds to review those applications. In a processing round, when an application is filed, the International Bureau (Bureau) issued a public notice establishing a cutoff date for other mutually exclusive satellite applications, and then considered all those applications together. In cases where sufficient spectrum to accommodate all the application was not available, the Bureau directed the applicants to negotiate a mutually agreeable solution. Those negotiations took a long time, and delayed provision of satellite services to the public.

The NPRM invited comment on two alternatives for expediting the satellite application process. One alternative was to replace the processing round procedure with a ''first-come, first-served'' procedure that would allow the Bureau to issue a satellite license to the first party filing a complete, acceptable application. The other alternative was to streamline the processing round procedure by adopting one or more of the following proposals: (1) Place a time limit on negotiations; (2) establish criteria to select among competing applicants; (3) divide the available spectrum evenly among the applicants.

In the First Report and Order in this proceeding, the Commission determined

that different procedures were better-suited for different kinds of satellite applications. For most geostationary orbit (GSO) satellite applications, the Commission adopted a first-come, first-served approach. For most non-geostationary orbit (NGSO) satellite applications, the Commission adopted a procedure in which the available spectrum is divided evenly among the qualified applicants. The Commission also adopted measures to discourage applicants from filing speculative applications, including a bond requirement, payable if a licensee misses a milestone. The bond amounts originally were $5 million for each GSO satellite, and $7.5 million for each NGSO satellite system. These were interim amounts. Concurrently with the First Report and Order, the Commission adopted an FNPRM to determine whether to revise the bond amounts on a long-term basis.

In the Second Report and Order, the Commission adopted a streamlined procedure for certain kinds of satellite license modification requests.

In the Third Report and Order, the Commission adopted a standardized application form for satellite licenses, and adopted a mandatory electronic filing requirement for certain satellite applications.

In the Fourth Report and Order, the Commission revised the bond amounts based on the record developed in response to FNPRM. The bond amounts are now $3 million for each GSO satellite, and $5 million for each NGSO satellite system.

Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12498
NPRM Comment Period End.	07/02/02	
Second R&O (Release Date).	06/20/03	68 FR 62247
Second FNPRM (Release Date).	07/08/03	68 FR 53702
Third R&O (Release Date).	07/08/03	68 FR 63994
FNPRM	08/27/03	68 FR 51546
First R&O	08/27/03	68 FR 51499
FNPRM Comment Period End.	10/27/03	
Fourth R&O (Release Date).	04/16/04	69 FR 67790
Fifth R&O, First Order on Recon (Release Date).	07/06/04	69 FR 51586
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrea Kelly, Associate Chief, Satellite Division, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7877, *Fax:* 202 418–0748, *Email: andrea.kelly@fcc.gov.*

RIN: 3060–AH98

327. Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 161; 47 U.S.C. 201 to 205; * * *

Abstract: FCC is reviewing the reporting requirements to which carriers providing U.S.-international services are subject under 47 CFR part 43. The FCC adopted a First Report and Order that eliminated certain of those requirements. Specifically, it eliminated the quarterly reporting requirements for large carriers and foreign-affiliated switched resale carriers, 47 CFR 43.61(b), (c); the circuit addition report, 47 CFR 63.23(e); the division of telegraph tolls report, 47 CFR 43.53; and requirement to report separately for U.S offshore points, 43.61(a), 43.82(a). The FCC adopted a Second Report and Order that made additional reforms to further streamline and modernize the reporting requirements, including requiring providers of interconnected Voice over Internet Protocol (VoIP) to submit data regarding their provision of international telephone services.

Timetable:

Action	Date	FR Cite
NPRM	04/12/04	69 FR 29676
First R&O	05/12/11	76 FR 42567
FNPRM	05/12/11	76 FR 42613
FNPRM Comment Period End.	09/02/11	
Second R&O	01/15/13	78 FR 15615
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Krech, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1460, *Fax:* 202 418–2824, *Email: david.krech@fcc.gov*

RIN: 3060–AI42

328. Amendment of the Commission's Rules To Allocate Spectrum and Adopt Service Rules and Procedures To Govern the Use of Vehicle-Mounted Earth Stations (IB Docket No. 07–101)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 308

Abstract: The Commission seeks comment on the proposed amendment of parts 2 and 25 of the Commission's rules to allocate spectrum for use with Vehicle-Mounted Earth Stations (VMES) in the Fixed-Satellite Service in the Ku-band uplink at 14.0–14.5 GHz and Ku-band downlink 11.72–12.2 GHz on a primary basis, and in the extended Ku-band downlink at 10.95–11.2 GHz and 11.45–11.7 GHz on a non-protected basis, and to adopt Ku-band VMES licensing and service rules modeled on the FCC's rules for Ku-band Earth Stations on Vessels (ESVs). The record in this proceeding will provide a basis for Commission action to facilitate introduction of this proposed service.

Timetable:

Action	Date	FR Cite
NPRM	07/08/07	72 FR 39357
NPRM Comment Period End.	09/04/07	
R&O	11/04/09	74 FR 57092
Petition for Reconsideration.	04/14/10	75 FR 19401
Order on Recon	02/11/13	78 FR 9602
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Griboff, Deputy Chief, Policy Division, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0657, *Fax:* 202 418–2824, *Email: howard.griboff@fcc.gov.*

RIN: 3060–AI90

329. Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees Under Section 310(B)(4) of the Communications Act of 1934, as Amended (IB Docket No. 11–133)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154; 47 U.S.C. 211; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 403

Abstract: FCC seeks comment on changes and other options to revise and simplify its policies and procedures implementing section 310(b)(4) for common carrier and aeronautical radio station licensees while continuing to ensure that we have the information we need to carry out our statutory duties. (The NPRM does not address our policies with respect to the application of section 310(b)(4) to broadcast licensees.) The proposals are designed to reduce to the extent possible the regulatory costs and burdens imposed on wireless common carrier and aeronautical applicants, licensees, and spectrum lessees; provide greater

transparency and more predictability with respect to the Commission's filing requirements and review process; and facilitate investment from new sources of capital, while continuing to protect important interests related to national security, law enforcement, foreign policy, and trade policy. The streamlining proposals in the NPRM may reduce costs and burdens currently imposed on licensees, including those licensees that are small entities, and accelerate the foreign ownership review process, while continuing to ensure that the Commission has the information it needs to carry out its statutory duties.

Timetable:

Action	Date	FR Cite
NPRM	08/09/11	76 FR 65472
NPRM Comment Period End.	01/04/12	
First R&O	08/22/12	77 FR 50628
Second R&O (Release Date).	04/18/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Ball, Chief, Policy Division, International Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0427, *Email: james.ball@fcc.gov.*

RIN: 3060–AJ70

330. International Settlements Policy Reform (IB Docket No. 11–80)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154; 47 U.S.C. 201–205; 47 U.S.C. 208; 47 U.S.C. 211; 47 U.S.C. 214; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 403

Abstract: FCC is reviewing the International Settlements Policy (ISP), which governs how U.S. carriers negotiate with foreign carriers for the exchange of international traffic and is the structure by which the Commission has sought to respond to concerns that foreign carriers with market power are able to take advantage of the presence of multiple U.S. carriers serving a particular market. In the NPRM, the FCC proposes to further deregulate the international telephony market and enable U.S. consumers to enjoy competitive prices when they make calls to international destinations. First, it proposes to remove the ISP from all international routes, except Cuba. Second, the FCC seeks comment on a proposal to enable the Commission to better protect U.S. consumers from the effects of anticompetitive conduct by foreign carriers in instances necessitating Commission intervention. Specifically, it seeks comments on proposals and issues regarding the application of the Commission's benchmarks policy.

Timetable:

Action	Date	FR Cite
NPRM	05/13/11	76 FR 42625
NPRM Comment Period End.	09/02/11	
Report and Order (release date).	11/29/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Ball, Chief, Policy Division, International Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0427, *Email: james.ball@fcc.gov.*

RIN: 3060–AJ77

331. • Revisions to Parts 2 and 25 of the Commission's Rules To Govern the Use of Earth Stations Aboard Aircraft (IB Docket No. 12–376)

Legal Authority: 47 U.S.C. 154(i) and (j); 47 U.S.C. 157(a); 47 U.S.C. 302(a); 47 U.S.C. 303(c), (e), (f), (g), (j), (r), and (y)

Abstract: In this docket, the Commission provide for the efficient licensing of two-way in-flight broadband services, including Internet access, to passengers and flight crews aboard commercial airliners and private aircraft. The Report and Order establishes technical and licensing rules for Earth Stations Aboard Aircraft (ESAA), i.e., Earth stations on aircraft communicating with Fixed-Satellite Service (FSS) geostationary-orbit (GSO) space stations operating in the 10.95–11.2 GHz, 11.45–11.7 GHz, 11.7–12.2 GHz (space-to-Earth or downlink) and 14.0–14.5 GHz (Earth-to-space or uplink) frequency bands. The Notice of Proposed Rulemaking requests comment on a proposal to elevate the allocation status of ESAA in the 14.0–14.5 GHz band from secondary to primary, which would make the ESAA allocation equal to the allocations of Earth Stations on Vessels (ESV) and Vehicle-Mounted Earth Stations (VMES).

Timetable:

Action	Date	FR Cite
NPRM	04/20/05	70 FR 20508
R&O	03/08/13	78 FR 14920
NPRM	03/18/13	78 FR 14952
NPRM Comment Period End.	06/21/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Griboff, Deputy Chief, Policy Division, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0657, *Fax:* 202 418–2824, *Email: howard.griboff@fcc.gov.*

RIN: 3060–AJ96

332. • Reform of Rules and Policies on Foreign Carrier Entry Into the U.S. Telecommunications Market (IB Docket 12–299)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i)–(j); 47 U.S.C. 201–205;* * *

Abstract: FCC is considering proposed changes in the criteria under which it considers certain applications from foreign carriers or affiliates of foreign carriers for entry into the U.S. market for international telecommunications services. It proposes to eliminate, or in the alternative, simplify the effective competitive opportunities test (ECO Text) adopted in 1995 for Commission review of foreign carrier applications.

Timetable:

Action	Date	FR Cite
NPRM	11/26/12	77 FR 70400
NPRM Comment Period End.	12/26/12	
NPRM Reply Comment Period End.	01/15/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Ball, Chief, Policy Division, International Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0427, *Email: james.ball@fcc.gov.*

RIN: 3060–AJ97

333. • Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 161; 47 U.S.C. 303 (c); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) as part of its ongoing efforts to update and streamline regulatory requirements. The NPRM initiated a comprehensive review of part 25 of the Commission's rules, which governs licensing and operation of space stations and Earth stations. The amendments proposed in the NPRM modernize the rules to better

reflect evolving technology and reorganize and simplify existing requirements. Furthermore, the changes will remove unnecessary filing requirements for applicants requesting space and Earth station licenses, allowing applicants and licensees to save time, effort, and costs in preparing applications. Other changes are designed to remove unnecessary technical restrictions, enabling applicants to submit fewer waiver requests, which will ease administrative burdens in submitting and processing applications and reduce the amount of time spent on applications by applicants, licensees, and the Commission.

Timetable:

Action	Date	FR Cite
NPRM	11/25/12	77 FR 67172
NPRM Comment Period End.	12/24/12	
Reply Comment Period End.	01/22/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrea Kelly, Associate Chief, Satellite Division, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7877, *Fax:* 202 418–0748, *Email: andrea.kelly@fcc.gov.*

RIN: 3060–AJ98

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Long-Term Actions

334. Competitive Availability of Navigation Devices (CS Docket No. 97–80)

Legal Authority: 47 U.S.C. 549

Abstract: The Commission has adopted rules to address the mandate expressed in section 629 of the Communications Act to ensure the commercial availability of ''navigation devices,'' the equipment used to access video programming and other services from multichannel video programming systems.

Specifically, the Commission required MVPDs to make available by a security element (known as a ''cablecard'') separate from the basic navigation device (e.g., cable set-top boxes, digital video recorders, and television receivers with navigation capabilities). The separation of the security element from the host device required by this rule (referred to as the ''integration ban'') was designed to enable unaffiliated manufacturers, retailers, and other vendors to commercially market host devices while allowing MVPDs to retain control over their system security. Also, in this proceeding, the Commission adopted unidirectional ''plug and play'' rules, to govern compatibility between MVPDs and navigation devices manufactured by consumer electronics manufacturers not affiliated with cable operators.

In the most recent action, the Commission made rule changes to improve the operation of the CableCard regime.

Timetable:

Action	Date	FR Cite
NPRM	03/05/97	62 FR 10011
R&O	07/15/98	63 FR 38089
Order on Recon	06/02/99	64 FR 29599
FNPRM & Declaratory Ruling.	09/28/00	65 FR 58255
FNPRM	01/16/03	68 FR 2278
Order and FNPRM.	06/17/03	68 FR 35818
Second R&O	11/28/03	68 FR 66728
FNPRM	11/28/03	68 FR 66776
Order on Recon	01/28/04	69 FR 4081
Second R&O	06/22/05	70 FR 36040
Third FNPRM	07/25/07	72 FR 40818
4th FNPRM	05/14/10	75 FR 27256
3rd R&O	07/08/11	76 FR 40263
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Murray, Attorney Advisor, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1573, *Email: brendan.murray@fcc.gov.*

RIN: 3060–AG28

335. Broadcast Ownership Rules

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310

Abstract: Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its ownership rules every four years and determine whether any such rules are necessary in the public interest as the result of competition.

In 2002, the Commission undertook a comprehensive review of its broadcast multiple and cross-ownership limits examining: Cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule.

The Report and Order replaced the newspaper/broadcast cross-ownership and radio and TV rules with a tiered approach based on the number of television stations in a market. In June 2006, the Commission adopted a Further Notice of Proposed Rulemaking initiating the 2006 review of the broadcast ownership rules. The further notice also sought comment on how to address the issues raised by the Third Circuit. Additional questions are raised for comment in a Second Further Notice of Proposed Rulemaking.

In the Report and Order and Order on Reconsideration, the Commission adopted rule changes regarding newspaper/broadcast cross-ownership, but otherwise generally retained the other broadcast ownership rules currently in effect.

For the 2010 quadrennial review, five of the Commission's media rules are the subject of review: The local TV ownership rule; the local radio ownership rule; the newspaper broadcast cross-ownership rule; the radio/TV cross-ownership rule; and the dual network rule.

Timetable:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Recon.	02/21/08	73 FR 9481
Notice of Inquiry	06/11/10	75 FR 33227
NPRM	01/19/12	77 FR 2868
NPRM Comment Period End.	03/19/11	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary DeNigro, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7334.

RIN: 3060–AH97

336. Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185)

Legal Authority: 47 U.S.C. 309; 47 U.S.C. 336

Abstract: This proceeding initiates the digital television conversion for low-power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting. The Report and Order adopts definitions and

permissible use provisions for digital TV translator and LPTV stations. The Second Report and Order takes steps to resolve the remaining issues in order to complete the low-power television digital transition.

Timetable:

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55566
NPRM Comment Period End.	11/25/03	
R&O	11/29/04	69 FR 69325
FNPRM and MO&O.	10/18/10	75 FR 63766
2nd R&O	07/07/11	76 FR 44821
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaun Maher, Attorney, Video Division, Federal Communications Commission, Mass Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2324, *Fax:* 202 418–2827, *Email: shaun.maher@fcc.gov.*

RIN: 3060–AI38

337. Joint Sales Agreements in Local Television Markets (MB Docket No. 04–256)

Legal Authority: 47 U.S.C. 151 to 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; * * *

Abstract: A joint sales agreement (JSA) is an agreement with a licensee of a brokered station that authorizes a broker to sell some or all of the advertising time for the brokered station in return for a fee or percentage of revenues paid to the licensee. The Commission has sought comment on whether TV JSAs should be attributed for purposes of determining compliance with the Commission's multiple ownership rules.

Timetable:

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52464
NPRM Comment Period End.	09/27/04	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary DeNigro, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7334.

RIN: 3060–AI55

338. Program Access Rules—Sunset of Exclusive Contracts Prohibition and Examination of Programming Tying Arrangements (MB Docket Nos. 12–68, 07–198)

Legal Authority: 47 U.S.C. 548

Abstract: The program access provisions of the Communications Act (section 628) generally prohibit exclusive contracts for satellite delivered programming between programmers in which a cable operator has an attributable interest (vertically integrated programmers) and cable operators. This limitation was set to expire on October 5, 2007, unless circumstances in the video programming marketplace indicate that an extension of the prohibition continues ''to be necessary to preserve and protect competition and diversity in the distribution of video programming.'' The October 2007 Report and Order concluded the prohibition continues to be necessary, and accordingly, retained it until October 5, 2012. The accompanying Notice of Proposed Rulemaking (NPRM) sought comment on revisions to the Commission's program access and retransmission consent rules. The associated Report and Order adopted rules to permit complainants to pursue program access claims regarding terrestrially delivered cable affiliated programming.

In October 2012, the Commission declined to extend the prohibition on exclusive contracts beyond the October 5, 2012, expiration date. The Commission also affirmed its expanded discovery procedures for program access complaints. In the accompanying FNPRM, the Commission sought comment on additional revisions to the program access rules.

Timetable:

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9289
NPRM Comment Period End.	04/02/07	
R&O	10/04/07	72 FR 56645
Second NPRM	10/31/07	72 FR 61590
Second NPRM Comment Period End.	11/30/07	
R&O	03/02/10	75 FR 9692
NPRM	04/23/12	77 FR 24302
R&O	10/31/12	77 FR 66026
FNPRM	10/31/12	77 FR 66052
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Beth Murphy, Chief, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2132, *Email: marybeth.murphy@fcc.gov.*

RIN: 3060–AI87

339. Broadcast Localism (MB Docket No. 04–233)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 532; 47 U.S.C. 536

Abstract: The concept of localism has been a cornerstone of broadcast regulation. The Commission has consistently held that as temporary trustee of the public's airwaves, broadcasters are obligated to operate their stations to serve the public interest. Specifically, broadcasters are required to air programming responsive to the needs and issues of the people in their licensed communities. The Commission opened this proceeding to seek input on a number of issues related to broadcast localism.

Timetable:

Action	Date	FR Cite
Report and NPRM	02/13/08	73 FR 8255
NPRM Comment Period End.	03/14/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Beth Murphy, Chief, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2132, *Email: marybeth.murphy@fcc.gov.*

RIN: 3060–AJ04

340. Creating a low Power Radio Service (MM Docket No. 99–25)

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 403; 47 U.S.C. 405

Abstract: This proceeding was initiated to establish a new noncommercial educational low power FM radio service for nonprofit community organizations and public safety entities. In January 2000, the Commission adopted a Report and Order establishing two classes of LPFM stations, 100 watt (LP100) and 10 watt (LP10) facilities, with service radii of approximately 3.5 miles and 1 to 2 miles, respectively. The Report and Order also established ownership and eligibility rules for the LPFM service. The Commission generally restricted ownership to entities with no attributable interest in any other broadcast station or other media. To choose among entities filing mutually exclusive applications for LPFM licenses, the Commission established a point system favoring local ownership and locally-originated programming.

The Report and Order imposed separation requirements for LPFM with respect to full power stations operating on co-, first, and second-adjacent and intermediate frequency (IF) channels.

In a Further Notice issued in 2005, the Commission reexamined some of its rules governing the LPFM service, noting that the rules may need adjustment in order to ensure that the Commission maximizes the value of the LPFM service without harming the interests of full-power FM stations or other Commission licensees. The Commission sought comment on a number of issues with respect to LPFM ownership restrictions and eligibility.

The Third Report and Order resolves issues raised in the Further Notice. The accompanying Second Further Notice of Proposed Rulemaking (FNPRM) considers rule changes to avoid the potential loss of LPFM stations.

In the third FNPRM, the Commission seeks comment on the impact of the Local Community Radio Act on the procedures previously adopted. The Fourth Report and Order adopts translator application necessary policies to effectuate the requirement of the Local Community Radio Act of 2010. In the Fifth Report and Order, the Commission modified rules to implement provisions of the Local Community Radio Act of 2010.

In the sixth Report and Order, the Commission adopted an LPFM service standard for second and adjacent channel spacing waivers. The Commission also adopted procedures for third adjacent channel interference complaints and remediation requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7577
R&O	02/15/00	65 FR 7616
MO&O and Order on Recon.	11/09/00	65 FR 67289
Second R&O	05/10/01	66 FR 23861
Second Order on Recon and FNPRM.	07/07/05	70 FR 3918
Third R&O	01/17/08	73 FR 3202
Second FNPRM	03/26/08	73 FR 12061
Third FNPRM	07/29/11	76 FR 454901
4th R&O	04/09/12	77 FR 21002
5th R&O	04/05/12	77 FR 20555
6th R&O	01/19/13	78 FR 2078
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Doyle, Chief, Audio Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2700, *Email: peter.doyle@fcc.gov.*

RIN: 3060–AJ07

341. Policies To Promote Rural Radio Service and To Streamline Allotment and Assignment Procedures (MB Docket No. 09–52)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307 and 309(j)

Abstract: This proceeding was commenced to consider a number of changes to the Commission's rules and procedures to carry out the statutory goal of distributing radio service fairly and equitably, and to increase the transparency and efficiency of radio broadcast auction and licensing processes. In the NPRM, comment is sought on specific proposals regarding the procedures used to award commercial broadcast spectrum in the AM and FM broadcast bands. The accompanying Report and Order adopts rules that provide tribes a priority to obtain broadcast radio licenses in tribal communities. The Commission concurrently adopted a Further Notice of Proposed Rulemaking seeking comment on whether to extend the tribal priority to tribes that do not possess tribal land.

The Commission adopted a second FNPRM in order to develop a more comprehensive record regarding measures to assist Federally recognized Native American tribes and Alaska native villages in obtaining commercial FM station authorizations. In the second R&O, the Commission adopted a number of procedures, procedural changes, and clarifications of existing rules and procedures, designed to promote ownership and programming diversity, especially by Native American tribes, and to promote the initiation and retention of radio service in and to smaller communities and rural areas.

In the Third R&O, the Commission adopted procedures to enable a tribe or tribal entity to qualify for tribal allotments added to the FM allotment table.

Timetable:

Action	Date	FR Cite
NPRM	05/13/09	74 FR 22498
NPRM Comment Period End.	07/10/09	
First R&O	03/04/10	75 FR 9797
FNPRM	03/04/10	75 FR 9856
2nd FNPRM	03/16/11	76 FR 14362
2nd R&O	04/06/11	76 FR 18942
3rd R&O	01/20/12	77 FR 2916
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Doyle, Chief, Audio Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2700, *Email: peter.doyle@fcc.gov.*

RIN: 3060–AJ23

342. Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154 i and (j); 47 U.S.C. 257; 47 U.S.C. 303(r); 47 U.S.C. 307 to 310; 47 U.S.C. 336; 47 U.S.C. 534 and 535

Abstract: Diversity and competition are longstanding and important Commission goals. The measures proposed, as well as those adopted in this proceeding, are intended to promote diversity of ownership of media outlets. In the Report and Order and third FNPRM, measures are enacted to increase participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses. In the Report and Order and fourth FNPRM, the Commission adopts improvements to its data collection in order to obtain an accurate and comprehensive assessment of minority and female broadcast ownership in the United States. The Memorandum Opinion & Order addressed petitions for reconsideration of the rules, and also sought comment on a proposal to expand the reporting requirements to non attributable interests.

Pursuant to a remand from the Third Circuit, the measures adopted in the 2009 Diversity Order were put forth for comment in the NPRM for the 2010 review of the Commission's Broadcast Ownership rules.

Timetable:

Action	Date	FR Cite
R&O	05/16/08	73 FR 28361
3rd FNPRM	05/16/08	73 FR 28400
R&O	05/27/09	74 FR 25163
4th FNPRM	05/27/09	74 FR 25305
MO&O	10/30/09	74 FR 56131
NPRM	01/19/12	77 FR 2868
5th NPRM	01/15/13	78 FR 2934
6th FNPRM	01/15/13	78 FR 2925
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary DeNigro, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW.,

Washington, DC 20554, *Phone:* 202 418–7334.

RIN: 3060–AJ27

343. Amendment of the Commission's Rules Related to Retransmission Consent (MB Docket No. 10–71)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 325; 47 U.S.C. 534

Abstract: Cable systems and other multichannel video programming distributors are not entitled to retransmit a broadcast station's signal without the station's consent. This consent is known as ''retransmission consent.'' Since Congress enacted the retransmission consent regime in 1992, there have been significant changes in the video programming marketplace. In this proceeding, comment is sought on a series of proposals to streamline and clarify the Commission's rules concerning or affecting retransmission consent negotiations.

Timetable:

Action	Date	FR Cite
NPRM	03/28/11	76 FR 17071
NPRM Comment Period End.	05/27/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: diana.sokolow@fcc.gov.*

RIN: 3060–AJ55

344. Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–43)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 303

Abstract: The Twenty-First Century Communications and Video Accessibility Act of 2010 (''CVAA'') requires reinstatement of the video description rules adopted by the Commission in 2000. ''Video description,'' which is the insertion of narrated descriptions of a television program's key visual elements into natural pauses in the program's dialogue, makes video programming more accessible to individuals who are blind or visually impaired. This proceeding was initiated to enable compliance with the CVAA.

Timetable:

Action	Date	FR Cite
NPRM	03/18/11	76 FR 14856
NPRM Comment Period End.	04/18/11	
R&O	09/08/11	76 FR 55585
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lyle Elder, Attorney, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: lyle.elder@fcc.gov.*

RIN: 3060–AJ56

345. Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 303; 47 U.S.C. 330(b); 47 U.S.C. 613; 47 U.S.C. 617

Abstract: Pursuant to the Commission's responsibilities under the Twenty-First Century Communications and Video Accessibility Act of 2010, this proceeding was initiated to adopt rules to govern the closed captioning requirements for the owners, providers, and distributors of video programming delivered using Internet protocol.

Timetable:

Action	Date	FR Cite
NPRM	09/28/11	76 FR 59963
R&O	03/20/12	77 FR 19480
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: diana.sokolow@fcc.gov.*

RIN: 3060–AJ67

346. Noncommercial Educational Station Fundraising for Third-Party Nonprofit Organizations (MB Docket No. 12–106)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 399(b)

Abstract: The proceeding was initiated to analyze the Commission's longstanding policy prohibiting noncommercial educational broadcast stations from conducting on-air fundraising activities that interrupt regular programming for the benefit of third-party nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	06/22/12	77 FR 37638
NPRM Comment Period End.	07/23/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Beth Murphy, Chief, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2132, *Email: marybeth.murphy@fcc.gov.*

RIN: 3060–AJ79

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Completed Actions

347. Basic Service Tier Encryption (MB Docket No. 11–169)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 303(r); 47 U.S.C. 403; 47 U.S.C. 544q

Abstract: In this proceeding, the Commission evaluates a proposed rule to allow cable operators to encrypt the basic service tier in all-digital cable systems, provided that those operators undertake certain consumer protection measures.

Timetable:

Action	Date	FR Cite
NPRM	10/27/11	76 FR 66666
Comment Period End.	11/28/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Murray, Attorney Advisor, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1573, *Email: brendan.murray@fcc.gov.*

RIN: 3060–AJ76

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Managing Director

Long-Term Actions

348. Assessment and Collection of Regulatory Fees

Legal Authority: 47 U.S.C. 159

Abstract: Section 9 of the Communications Act of 1934, as

amended, 47 U.S.C. 159, requires the FCC to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	04/06/06	71 FR 17410
R&O	08/02/06	71 FR 43842
NPRM	05/02/07	72 FR 24213
R&O	08/16/07	72 FR 45908
FNPRM	08/16/07	72 FR 46010
NPRM	05/28/08	73 FR 30563
R&O	08/26/08	73 FR 50201
FNPRM	08/26/08	73 FR 50285
2nd R&O	05/12/09	74 FR 22104
NPRM and Order	06/02/09	74 FR 26329
R&O	08/11/09	74 FR 40089
NPRM	04/26/10	75 FR 21536
R&O	07/19/10	75 FR 41932
NPRM	05/26/11	76 FR 30605
NPRM Comment Period End.	06/09/11	
R&O	08/10/11	76 FR 49333
NPRM	05/17/12	77 FR 29275
NPRM Comment Period End.	05/31/12	
Reply Comment Period End.	06/07/12	
R&O	08/03/12	77 FR 46307
NPRM	08/17/12	77 FR 49749
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0444, *Email: roland.helvajian@fcc.gov.*

RIN: 3060–AI79

349. Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of Cores Registration System; Md Docket No. 10–234

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 158(c)(2); 47 U.S.C. 159(c)(2); 47 U.S.C. 303(r); 5 U.S.C. 5514; 31 U.S.C. 7701(c)(1)

Abstract: This Notice of Proposed Rulemaking proposes revisions intended to make the Commission's Registration System (CORES) more feature-friendly and improve the Commission's ability to comply with various statutes that govern debt collection and the collection of personal information by the Federal Government. The proposed modifications to CORES partly include: Requiring entities and individuals to rely primarily upon a single FRN that may, at their discretion, be linked to subsidiary or associated accounts; allowing entities to identify multiple points of contact; eliminating some of our exceptions to the requirement that entities and individuals provide their Taxpayer Identification Number (TIN) at the time of registration; requiring FRN holders to provide their email addresses; modifying CORES log-in procedures; adding attention flags and automated notices that would inform FRN holders of their financial standing before the Commission; and adding data fields to enable FRN holders to indicate their tax-exempt status and notify the Commission of pending bankruptcy proceedings.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5652
NPRM Comment Period End.	03/03/11	
Public Notice	02/15/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Warren Firschein, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0844, *Email: warren.firschein@fcc.gov.*

RIN: 3060–AJ54

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Long-Term Actions

350. Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems

Legal Authority: 47 U.S.C. 134(i); 47 U.S.C. 151; 47 U.S.C. 201; 47 U.S.C. 208; 47 U.S.C. 215; 47 U.S.C. 303; 47 U.S.C. 309

Abstract: In a series of orders in several related proceedings issued since 1996, the Federal Communications Commission has taken action to improve the quality and reliability of 911 emergency services for wireless phone users. Rules have been adopted governing the availability of basic 911 services and the implementation of enhanced 911 (E911) for wireless services.

Timetable:

Action	Date	FR Cite
FNPRM	08/02/96	61 FR 40374
R&O	08/02/96	61 FR 40348
MO&O	01/16/98	63 FR 2631
Second R&O	06/28/99	64 FR 34564
Third R&O	11/04/99	64 FR 60126
Second MO&O	12/29/99	64 FR 72951
Fourth MO&O	10/02/00	65 FR 58657
FNPRM	06/13/01	66 FR 31878
Order	11/02/01	66 FR 55618
R&O	05/23/02	67 FR 36112
Public Notice	07/17/02	67 FR 46909
Order to Stay	07/26/02	
Order on Recon	01/22/03	68 FR 2914
FNPRM	01/23/03	68 FR 3214
R&O, Second FNPRM.	02/11/04	69 FR 6578
Second R&O	09/07/04	69 FR 54037
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
Comment Period End.	10/18/08	
Public Notice	11/18/09	74 FR 59539
Comment Period End.	12/04/09	
FNPRM, NOI	11/02/10	75 FR 67321
Second R&O	11/18/10	75 FR 70604
Order, Comment Period Extension.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
Final Rule	04/28/11	76 FR 23713
NPRM	08/04/11	76 FR 47114
Second FNPRM	08/04/11	76 FR 47114
3rd R&O	09/28/11	76 FR 59916
NPRM Comment Period End.	11/02/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AG34

351. Enhanced 911 Services for Wireline

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 222; 47 U.S.C. 251

Abstract: The rules generally will assist State governments in drafting legislation that will ensure that multiline telephone systems are compatible with the enhanced 911 network. The Public Notice seeks comment on whether the Commission, rather than States, should regulate multiline telephone systems, and whether part 68 of the Commission's rules should be revised.

Timetable:

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
Second FNPRM	02/11/04	69 FR 6595

Action	Date	FR Cite
R&O	02/11/04	69 FR 6578
Public Notice	01/13/05	70 FR 2405
Comment Period End.	03/29/05	
NOI	01/13/11	76 FR 2297
NOI Comment Period End.	03/14/11	
Public Notice (Release Date).	05/21/12	
Public Notice Comment Period End.	08/06/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AG60

352. In the Matter of the Communications Assistance for Law Enforcement Act

Legal Authority: 47 U.S.C. 229; 47 U.S.C. 1001 to 1008

Abstract: All of the decisions in this proceeding thus far are aimed at implementation of provisions of the Communications Assistance for Law Enforcement Act.

Timetable:

Action	Date	FR Cite
NPRM	10/10/97	62 FR 63302
Order	01/13/98	63 FR 1943
FNPRM	11/16/98	63 FR 63639
R&O	01/29/99	64 FR 51462
Order	03/29/99	64 FR 14834
Second R&O	09/23/99	64 FR 51462
Third R&O	09/24/99	64 FR 51710
Order on Recon	09/28/99	64 FR 52244
Policy Statement	10/12/99	64 FR 55164
Second Order on Recon.	05/04/01	66 FR 22446
Order	10/05/01	66 FR 50841
Order on Remand	05/02/02	67 FR 21999
NPRM	09/23/04	69 FR 56976
First R&O	10/13/05	70 FR 59704
Second R&O	07/05/06	71 FR 38091
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AG74

353. Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 160; 47 U.S.C. 201 and 202; 47 U.S.C. 303; 47 U.S.C. 337(a); 47 U.S.C. 403

Abstract: This item takes steps toward developing a flexible regulatory framework to meet vital current and future public safety communications needs.

Timetable:

Action	Date	FR Cite
NPRM	10/09/97	62 FR 60199
Second NPRM	11/07/97	62 FR 60199
First R&O	11/02/98	63 FR 58645
Third NPRM	11/02/98	63 FR 58685
MO&O	11/04/99	64 FR 60123
Second R&O	08/08/00	65 FR 48393
Fourth NPRM	08/25/00	65 FR 51788
Second MO&O	09/05/00	65 FR 53641
Third MO&O	11/07/00	65 FR 66644
Third R&O	11/07/00	65 FR 66644
Fifth NPRM	02/16/01	66 FR 10660
Fourth R&O	02/16/01	66 FR 10632
Fourth MO&O	09/27/02	67 FR 61002
Sixth NPRM	11/08/02	67 FR 68079
Fifth R&O	12/13/02	67 FR 76697
Seventh NPRM	04/27/05	70 FR 21726
Sixth R&O	04/27/05	70 FR 21671
Eighth NPRM	04/07/06	71 FR 17786
NPRM	09/21/06	71 FR 55149
Ninth NPRM	01/10/07	72 FR 1201
Ninth NPRM Comment Period End.	02/26/07	
R&O and FNPRM	05/02/07	72 FR 24238
R&O and FNPRM Comment Period End.	05/23/07	
Second R&O	08/24/07	72 FR 48814
Second FNPRM	05/21/08	73 FR 29582
Third FNPRM	10/03/08	73 FR 57750
Third R&O	01/25/11	76 FR 51271
Fourth FNPRM	01/25/11	76 FR 51271
Fourth FNPRM Comment Period End.	05/10/11	
Fourth R&O	07/20/11	76 FR 62309
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Marenco, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0838, *Email: brian.marenco@fcc.gov.*

RIN: 3060–AG85

354. Implementation of 911 Act (CC Docket No. 92–105, WT Docket No. 00–110)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 202; 47 U.S.C. 208; 47 U.S.C. 210; 47 U.S.C. 214; 47 U.S.C. 251(e); 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 308 to 309(j); 47 U.S.C. 310

Abstract: This proceeding is separate from the Commission's proceeding on Enhanced 911 Emergency Systems (E911) in that it is intended to implement provisions of the Wireless Communications and Public Safety Act of 1999 through the promotion of public safety by the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. More specifically, a chief goal of the proceeding is to ensure that all emergency calls are routed to the appropriate local emergency authority to provide assistance. The E911 proceeding goes a step further and is aimed at improving the effectiveness and reliability of wireless 911 dispatchers with additional information on wireless 911 calls.

Timetable:

Action	Date	FR Cite
Fourth R&O, Third NPRM.	09/19/00	65 FR 56752
NPRM	09/19/00	65 FR 56757
Fifth R&O, First R&O, and MO&O.	01/14/02	67 FR 1643
Final Rule	01/25/02	67 FR 3621
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David H. Siehl, Attorney, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1313, *Fax:* 202 418–2816, *Email: david.siehl@fcc.gov.*

RIN: 3060–AH90

355. Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)

Legal Authority: 47 U.S.C. 155; 47 U.S.C. 154; 47 U.S.C. 201; 47 U.S.C. 251

Abstract: The 2004 Report and Order extended the Commission's outage reporting requirements to non-wireline carriers and streamlined reporting through a new electronic template. Nine petitions for reconsideration were filed and remain pending. A Further Notice of Proposed Rulemaking regarding the unique communications needs of airports also remains pending.

The 2012 Report and Order extended the Commission's outage reporting requirements to interconnected Voice over Internet Protocol (VoIP) services where there is a complete loss of

connectivity that has the potential to affect at least 900,000 user minutes. Interconnected VoIP service providers will file outage reports through the same electronic mechanism as providers of other services. They will be required to submit a ''Notification'' and a ''Final Report.'' A notification is due within 4 hours of discovering a reportable outage when the outage affects a facility serving a 911 call center, and within 24 hours when the outage does not affect such facilities. A Final Report is due within 30 days. The Commission deferred action on extending the outage reporting requirements to broadband Internet services and to circumstances where technical conditions (such as packet loss, latency, and/or jitter) effectively prevent communication.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
FNPRM	11/26/04	69 FR 68859
R&O	12/03/04	69 FR 70316
Announcement of Effective Date and Partial Stay.	12/30/04	69 FR 78338
Petition for Recon	02/15/05	70 FR 7737
Amendment of Delegated Authority.	02/21/08	73 FR 9462
Public Notice	08/02/10	
NPRM	05/13/11	76 FR 33686
NPRM Comment Period End.	08/08/11	
R&O	02/21/12	77 FR 25088
Final Rule; Correction.	01/30/13	78 FR 6216
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lisa Fowlkes, Deputy Bureau Chief, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7452, *Email: lisa.fowlkes@fcc.gov.*

RIN: 3060–AI22

356. E911 Requirements for IP-Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 251(e); 47 U.S.C. 303(r)

Abstract: The notice seeks comment on what additional steps the Commission should take to ensure that providers of Voice over Internet Protocol services that interconnect with the public switched telephone network provide ubiquitous and reliable enhanced 911 service.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM	06/29/05	70 FR 37307
R&O	06/29/05	70 FR 37273
NPRM Comment Period End.	09/12/05	
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
FNPRM, NOI	11/02/10	75 FR 67321
Order, Extension of Comment Period.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
2nd FNPRM, NPRM.	08/04/11	76 FR 47114
2nd FNPRM Comment Period End.	11/02/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AI62

357. Stolen Vehicle Recovery System (SVRS)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 301 to 303

Abstract: The Report and Order amends 47 CFR 90.20(e)(6) governing stolen vehicle recovery system operations at 173.075 MHz, by increasing the radiated power limit for narrowband base stations; increasing the power output limit for narrowband base stations; increasing the power output limit for narrowband mobile transceivers; modifying the base station duty cycle; increasing the tracking duty cycle for mobile transceivers; and retaining the requirement for TV channel 7 interference studies and that such studies must be served on TV channel 7 stations.

Timetable:

Action	Date	FR Cite
NPRM	08/23/06	71 FR 49401
NPRM Comment Period End.	10/10/06	
R&O	10/14/08	73 FR 60631
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenji Nakazawa, Associate Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7949, *Email: zenji.nakazaw@fcc.gov.*

RIN: 3060–AJ01

358. Commercial Mobile Alert System

Legal Authority: Pub. L. 109–347 title VI; EO 13407; 47 U.S.C. 151; 47 U.S.C. 154(i)

Abstract: In the Notice of Proposed Rulemaking (NPRM), the Commission initiated a comprehensive rulemaking to establish a commercial mobile alert system under which commercial mobile service providers may elect to transmit emergency alerts to the public. The Commission has issued three orders adopting CMAS rules as required by statute. Issues raised in an FNPRM regarding testing requirements for noncommercial educational and public broadcast television stations remain outstanding.

Timetable:

Action	Date	FR Cite
NPRM	01/03/08	73 FR 545
NPRM Comment Period End.	02/04/08	
First R&O	07/24/08	73 FR 43009
Second R&O	08/14/08	73 FR 47550
FNPRM	08/14/08	73 FR 47568
FNPRM Comment Period End.	09/15/08	
Third R&O	09/22/08	73 FR 54511
Order	02/25/13	78 FR 16806
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lisa Fowlkes, Deputy Bureau Chief, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7452, *Email: lisa.fowlkes@fcc.gov.*

RIN: 3060–AJ03

359. Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

Abstract: Related to the proceedings in which the FCC has previously acted to improve the quality of all emergency services, this action requires wireless carriers to take steps to provide more specific automatic location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs) in areas where wireless carriers have not done so in the past. Wireless licensees must now satisfy amended Enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/07	72 FR 33948
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
Public Notice	11/18/09	74 FR 59539
2nd R&O	11/18/10	75 FR 70604
Second NPRM	08/04/11	76 FR 47114
Second NPRM Comment Period End.	11/02/11	
FNPRM; NOI	11/02/10	75 FR 67321
Final Rule	04/28/11	76 FR 23713
3rd R&O	09/28/11	76 FR 59916
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AJ52

360. • Private Land Radio Services/ Miscellaneous Wireless Communications Services

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 301–303; 47 U.S.C. 307–309; Pub. L. 112–96

Abstract: This action proposes technical rules to protect against harmful radio frequency interference in the spectrum designated for public safety services under the Middle Class Tax Relief and Job Creation Act of 2012.

Timetable:

Action	Date	FR Cite
NPRM	04/24/13	78 FR 24138
NPRM Comment Period End.	05/24/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Genaro Fullano, Legal Counsel, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1400, *Email: genaro.fullano@fcc.gov.*

RIN: 3060–AJ99

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Completed Actions

361. Emergency Alert System

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(o); 47 U.S.C. 301; 47 U.S.C. 393(r) and 303(v); 47 U.S.C. 307 and 309; 47 U.S.C. 335 and 403; 47 U.S.C. 544(g); 47 U.S.C. 606 and 615

Abstract: This revision of 47 CFR part 11 provides for national-level testing of the Emergency Alert System.

Timetable:

Action	Date	FR Cite
NPRM	01/12/10	75 FR 4760
NPRM Comment Period End.	03/30/10	
3rd R&O	02/03/11	76 FR 12600

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eric Ehrenreich, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1726, *Email: eric.ehrenreich@fcc.gov.*

RIN: 3060–AJ33

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

362. Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(n); 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 251(a); 47 U.S.C. 253; 47 U.S.C. 303(r); 47 U.S.C. 332(c)(1)(B); 47 U.S.C. 309

Abstract: This rulemaking considers whether the Commission should adopt an automatic roaming rule for voice services for Commercial Mobile Radio Services and whether the Commission should adopt a roaming rule for mobile data services.

Timetable:

Action	Date	FR Cite
NPRM	11/21/00	65 FR 69891
NPRM	09/28/05	70 FR 56612
NPRM	01/19/06	71 FR 3029
FNPRM	08/30/07	72 FR 50085
Final Rule	08/30/07	72 FR 50064
Final Rule	04/28/10	75 FR 22263
FNPRM	04/28/10	75 FR 22338
2nd R&O	05/06/11	76 FR 26199
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Trachtenberg, Associate Division Chief SCPD, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7369, *Email: peter.trachtenberg@fcc.gov.*

Christina Clearwater, Assistant Division Chief, SCPD, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1893, *Email: christina.clearwater@fcc.gov.*

RIN: 3060–AH83

363. Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: This proceeding is intended to streamline, consolidate, and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
NPRM Comment Period End.	03/14/02	
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
FNPRM Comment Period End.	07/12/04	
R&O	06/14/04	69 FR 32577
NPRM	12/06/06	71 FR 70710
NPRM Comment Period End.	03/06/07	
Final Rule	12/06/06	71 FR 70671
3rd R&O	03/29/11	76 FR 17347
Stay Order	03/29/11	76 FR 17353
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0680, *Email: jeff.tobias@fcc.gov.*

RIN: 3060–AI35

364. Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211)

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 155; 47 U.S.C. 155(c); 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 303(r); 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 309(j); 47 U.S.C. 325(e); 47 U.S.C. 334; 47 U.S.C. 336; 47 U.S.C. 339; 47 U.S.C. 554

Abstract: This proceeding implements rules and procedures needed to comply with the recently enacted Commercial Spectrum Enhancement Act (CSEA). It establishes a mechanism for reimbursing Federal agencies out of spectrum auction proceeds for the cost of relocating their operations from certain ''eligible frequencies'' that have been reallocated from Federal to non-Federal use. It also seeks to improve the Commission's ability to achieve Congress' directives with regard to designated entities and to ensure that, in accordance with the intent of Congress, every recipient of its designated entity benefits is an entity that uses its licenses to directly provide facilities-based telecommunications services for the benefit of the public.

Timetable:

Action	Date	FR Cite
NPRM	06/14/05	70 FR 43372
NPRM Comment Period End.	08/26/05	
Declaratory Ruling	06/14/05	70 FR 43322
R&O	01/24/06	71 FR 6214
FNPRM	02/03/06	71 FR 6992
FNPRM Comment Period End.	02/24/06	
Second R&O	04/25/06	71 FR 26245
Order on Recon of Second R&O.	06/02/06	71 FR 34272
NPRM	06/21/06	71 FR 35594
NPRM Comment Period End.	08/21/06	
Reply Comment Period End.	09/19/06	
Second Order and Recon of Second R&O.	04/04/08	73 FR 18528
Order	02/01/12	77 FR 16470
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7384, *Email: kelly.quinn@fcc.gov.*

RIN: 3060–AI88

365. Facilitating the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150–2162 and 2500–2690 MHZ Bands

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 301 to 303; 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 332; 47 U.S.C. 336 and 337

Abstract: The Commission seeks comment on whether to assign Educational Broadband Service (EBS) spectrum in the Gulf of Mexico. It also seeks comment on how to license unassigned and available EBS spectrum. Specifically, we seek comment on whether it would be in the public interest to develop a scheme for licensing unassigned EBS spectrum that avoids mutual exclusivity; we ask whether EBS eligible entities could participate fully in a spectrum auction; we seek comment on the use of small business size standards and bidding credits for EBS if we adopt a licensing scheme that could result in mutually exclusive applications; we seek comment on the proper market size and size of spectrum blocks for new EBS licenses; and we seek comment on issuing one license to a State agency designated by the Governor to be the spectrum manager, using frequency coordinators to avoid mutually exclusive EBS applications, as well as other alternative licensing schemes. The Commission must develop a new licensing scheme for EBS in order to achieve the Commission's goal of facilitating the development of new and innovative wireless services for the benefit of students throughout the nation.

In addition, the Commission has sought comment on a proposal intended to make it possible to use wider channel bandwidths for the provision of broadband services in these spectrum bands. The proposed changes may permit operators to use spectrum more efficiently, and to provide higher data rates to consumers, thereby advancing key goals of the National Broadband Plan.

Timetable:

Action	Date	FR Cite
NPRM	04/02/03	68 FR 34560
NPRM Comment Period End.	09/08/03	
FNPRM	07/29/04	69 FR 72048
FNPRM Comment Period End.	01/10/03	
R&O	07/29/04	69 FR 72020
MO&O	04/27/06	71 FR 35178
FNPRM	03/20/08	73 FR 26067
FNPRM Comment Period End.	07/07/08	
MO&O	03/20/08	73 FR 26032
MO&O	09/28/09	74 FR 49335
FNPRM	09/28/09	74 FR 49356
FNPRM Comment Period End.	10/13/09	
R&O	06/03/10	75 FR 33729
FNPRM	05/27/11	76 FR 32901
FNPRM Comment Period End.	07/22/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommuncations Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ12

366. Amendment of the Rules Regarding Maritime Automatic Identification Systems (WT Docket No. 04–344)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 306; 47 U.S.C. 307(e); 47 U.S.C. 332; 47 U.S.C. 154(i); 47 U.S.C. 161

Abstract: This action adopts additional measures for domestic implementation of Automatic Identification Systems (AIS), an advanced marine vessel tracking and navigation technology that can significantly enhance our Nation's homeland security as well as maritime safety.

Timetable:

Action	Date	FR Cite
Final Rule	01/29/09	74 FR 5117
Final Rule Effective.	03/02/09	
Petition for Recon	04/03/09	74 FR 15271
Final Rule	05/26/11	76 FR 33653
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0680, Email: *jeff.tobias@fcc.gov.*

RIN: 3060–AJ16

367. Service Rules for Advanced Wireless Services in the 2155–2175 MHZ Band

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301

Abstract: This proceeding explores the possible uses of the 2155–2175 MHz frequency band (AWS–3) to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS–3 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services. We proposed to apply our flexible, market-oriented rules to the band in order to meet this objective.

Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed AWS–3 rules, which include adding 5 megahertz of spectrum (2175–80 MHz) to the AWS–3 band, and requiring licensees of that spectrum to provide—using up to 25 percent of its wireless network capacity—free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/14/07	72 FR 64013
NPRM Comment Period End.	01/14/08	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End.	08/11/08	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Associate Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov.*

RIN: 3060–AJ19

368. Service Rules for Advanced Wireless Services in the 1915 to 1920 MHZ, 1995 to 2000 MHZ, 2020 to 2025 MHZ, and 2175 to 2180 MHZ Bands

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301; . . .

Abstract: This proceeding explores the possible uses of the 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz, and 2175–2180 MHz Bands (collectively AWS–2) to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS–2 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services.

Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed rules for the 1915–1920 MHz and 1995–2000 MHz bands. In addition, the Commission proposed to add 5 megahertz of spectrum (2175–80 MHz band) to the 2155–2175 MHz band, and would require the licensee of the 2155–2180 MHz band to provide—using up to 25 percent of its wireless network capacity—free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/02/04	69 FR 63489
NPRM Comment Period End.	01/24/05	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End.	08/11/08	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Associate Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov.*

RIN: 3060–AJ20

369. Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHZ Band (WT Docket No. 08–166) Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 301 and 302(a); 47 U.S.C. 303; 47 U.S.C. 303(r); 47 U.S.C. 304; 47 U.S.C. 307 to 309; 47 U.S.C. 316; 47 U.S.C. 332; 47 U.S.C. 336 and 337

Abstract: In the Notice of Proposed Rulemaking and Order, to facilitate the DTV transition the Commission tentatively concludes to amend its rules to make clear that the operation of low power auxiliary stations within the 700 MHz Band will no longer be permitted after the end of the DTV transition. The Commission also tentatively concludes to prohibit the manufacture, import, sale, offer for sale, or shipment of devices that operate as low power auxiliary stations in the 700 MHz Band. In addition, for those licensees that have obtained authorizations to operate low power auxiliary stations in spectrum that includes the 700 MHz Band beyond the end of the DTV transition, the Commission tentatively concludes that it will modify these licenses so as not to permit such operations in the 700 MHz Band after February 17, 2009. The Commission also seeks comment on issues raised by the Public Interest Spectrum Coalition (PISC) in its informal complaint and petition for rulemaking.

The Commission also imposes a freeze on the filing of new license applications that seek to operate on any 700 MHz Band frequencies (698–806 MHz) after the end of the DTV transition, February 17, 2009, as well as on granting any request for equipment authorization of low power auxiliary station devices that would operate in any of the 700 MHz Band frequencies. The Commission also holds in abeyance, until the conclusion of this proceeding, any pending license applications and equipment authorization requests that involve operation of low power auxiliary devices on frequencies in the 700 MHz Band after the end of the DTV transition.

On January 15, 2010, the Commission released a Report and Order that prohibits the distribution and sale of wireless microphones that operate in the 700 MHz Band (698–806 MHz, channels 52–69) and includes a number of provisions to clear these devices from that band. These actions help complete an important part of the DTV transition by clearing the 700 MHz Band to enable

the rollout of communications services for public safety and the deployment of next generation wireless devices.

On January 15, 2010, the Commission also released a Further Notice of Proposed Rulemaking seeking comment on the operation of low power auxiliary stations, including wireless microphones, in the core TV bands (channels 2–51, excluding channel 37). Among the issues the Commission is considering in the Further Notice are revisions to its rules to expand eligibility for licenses to operate wireless microphones under part 74; the operation of wireless microphones on an unlicensed basis in the core TV bands under part 15; technical rules to apply to low power wireless audio devices, including wireless microphones, operating in the core TV bands on an unlicensed basis under part 15 of the rules; and long-term solutions to address the operation of wireless microphones and the efficient use of the core TV spectrum.

Timetable:

Action	Date	FR Cite
NPRM	09/03/08	73 FR 51406
NPRM Comment Period End.	10/20/08	
R&O	01/22/10	75 FR 3622
FNPRM	01/22/10	75 FR 3682
FNPRM Comment Period End.	03/22/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: G. William Stafford, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0563, *Fax:* 202 418–3956, *Email: bill.stafford@fcc.gov.*

RIN: 3060–AJ21

370. Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHZ Band, and To Consolidate the 800 MHZ and 900 MHZ Business and Industrial/Land Transportation Pool Channels

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 332

Abstract: This action adopts rules that retain the current site-based licensing paradigm for the 900 MHz B/ILT ''white space''; adopts interference protection rules applicable to all licensees operating in the 900 MHz B/ILT spectrum; and lifts, on a rolling basis, the freeze placed on applications for new 900 MHz B/ILT licenses in September 2004—the lift being tied to the completion of rebanding in each 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) region.

Timetable:

Action	Date	FR Cite
NPRM	03/18/05	70 FR 13143
NPRM Comment Period End.	06/12/05	70 FR 23080
Final Rule	12/16/08	73 FR 67794
Petition for Recon	03/12/09	74 FR 10739
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Katherine M. Harris, Deputy Chief, Commercial Wireless Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0609, *Fax:* 202 418–7224, *Email: kharris@fcc.gov.*

RIN: 3060–AJ22

371. Amendment of Part 101 To Accommodate 30 MHZ Channels in the 6525–6875 MHZ Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHZ Band (WT Docket No. 04–114)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319; 47 U.S.C. 324; 47 U.S.C. 332 and 333

Abstract: The Commission seeks comments on modifying its rules to authorize channels with bandwidths of as much as 30 MHz in the 6525–6875 MHz band. We also propose to allow conditional authorization on additional channels in the 21.8–22.0 and 23.0–23.2 GHz bands.

Timetable:

Action	Date	FR Cite
NPRM	06/29/09	74 FR 36134
NPRM Comment Period End.	07/22/09	
R&O	06/11/10	75 FR 41767
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommuncations Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ28

372. In the Matter of Service Rules for the 698 to 746, 747 to 762, and 777 to 792 MHZ Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309

Abstract: This is one of several docketed proceedings involved in the establishment of rules governing wireless licenses in the 698–806 MHz Band (the 700 MHz Band). This spectrum is being vacated by television broadcasters in TV Channels 52–69. It is being made available for wireless services, including public safety and commercial services, as a result of the digital television (DTV) transition. This docket has to do with service rules for the commercial services, and is known as the 700 MHz Commercial Services proceeding.

Timetable:

Action	Date	FR Cite
NPRM	08/03/06	71 FR 48506
NPRM	09/20/06	
FNPRM	05/02/07	72 FR 24238
FNPRM Comment Period End.	05/23/07	
R&O	07/31/07	72 FR 48814
Order on Recon	09/24/07	72 FR 56015
Second FNPRM	05/14/08	73 FR 29582
Second FNPRM Comment Period End.	06/20/08	
Third FNPRM	09/05/08	73 FR 57750
Third FNPRM Comment Period End.	11/03/08	
Second R&O	02/20/09	74 FR 8868
Final Rule	03/04/09	74 FR 8868
Order on Recon	03/01/13	78 FR 19424
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul D'Ari, Spectrum and Competition Policy Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1550, *Fax:* 202 418–7447, *Email: paul.dari@fcc.gov.*

RIN: 3060–AJ35

373. National Environmental Act Compliance for Proposed Tower Registrations; in the Matter of Effects on Migratory Birds

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(q); 47 U.S.C. 303(r); 47 U.S.C. 309(g); 42 U.S.C. 4321 *et seq.*

Abstract: On April 14, 2009, American Bird Conservancy, Defenders of Wildlife, and National Audubon Society filed a Petition for Expedited Rulemaking and Other Relief. The petitioners request that the Commission

adopt on an expedited basis a variety of new rules, which they assert are necessary to comply with environmental statutes and their implementing regulations. This proceeding addresses the Petition for Expedited Rulemaking and Other Relief.

Timetable:

Action	Date	FR Cite
NPRM	11/22/06	71 FR 67510
NPRM Comment Period End.	02/20/07	
New NPRM Comment Period End.	05/23/07	
Order on Remand	01/26/12	77 FR 3935
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Steinberg, Deputy Chief, Spectrum and Competition Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0896

RIN: 3060–AJ36

374. Amendment of Part 90 of the Commission's Rules

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303

Abstract: This proceeding considers rule changes impacting miscellaneous part 90 Private Land Mobile Radio rules.

Timetable:

Action	Date	FR Cite
NPRM	06/13/07	72 FR 32582
FNPRM	04/14/10	75 FR 19340
Order on Recon	05/27/10	75 FR 29677
5th R&O (Release Date).	04/18/13	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney P. Conway, Engineer, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2904, *Fax:* 202 418–1944, *Email: rodney.conway@fcc.gov.*

RIN: 3060–AJ37

375. Amendment of Part 101 of the Commission's Rules For Microwave use and Broadcast Auxiliary Service Flexibility

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 157; 47 U.S.C. 160 and 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319 and 324; 47 U.S.C. 332 and 333

Abstract: In this document, the Commission commences a proceeding to remove regulatory barriers to the use of spectrum for wireless backhaul and other point-to-point and point-to-multipoint communications.

Timetable:

Action	Date	FR Cite
NPRM	08/05/10	75 FR 52185
NPRM Comment Period End.	11/22/10	
R&O	09/27/11	76 FR 59559
FNPRM	09/27/11	76 FR 59614
FNPRM Comment Period End.	10/25/11	
R&O	09/05/12	77 FR 54421
FNPRM	09/05/12	77 FR 54511
FNPRM Comment Period End.	10/22/12	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommuncations Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–0797, *Email: john.schauble@fcc.gov*

RIN: 3060–AJ47

376. 2004 and 2006 Biennial Regulatory Reviews—Streamlining and Other Revisions of the Commission's Rules Governing Construction, Marking, and Lighting of Antenna Structures

Legal Authority: 47 U.S.C. 154(i)–(j) and 161; 47 U.S.C. 303(q)

Abstract: In this NPRM, in WT Docket No. 10–88, the Commission seeks comment on revisions to part 17 of the Commission's rules governing construction, marking, and lighting of antenna structures. The Commission initiated this proceeding to update and modernize the part 17 rules. These proposed revisions are intended to improve compliance with these rules and allow the Commission to enforce them more effectively, helping to better ensure the safety of pilots and aircraft passengers nationwide. The proposed revisions would also remove outdated and burdensome requirements without compromising the Commission's statutory responsibility to prevent antenna structures from being hazards or menaces to air navigation.

Timetable:

Action	Date	FR Cite
NPRM	05/21/10	75 FR 28517
NPRM Comment Period End.	07/20/10	
NPRM Reply Comment Period End.	08/19/10	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dan Abeyta, Attorney, Federal Communications Commission, Washington, DC 20554, Phone: 202 418–1538, *Email: dan.abeyta@fcc.gov.*

RIN: 3060–AJ50

377. Universal Service Reform Mobility Fund (WT Docket No. 10–208)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 155; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 205; 47 U.S.C. 225; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 309; 47 U.S.C. 310

Abstract: This proceeding proposes the creation of the Mobility Fund to provide an initial infusion of funds toward solving persistent gaps in mobile services through targeted, one-time support for the build-out of current and next-generation wireless infrastructure in areas where these services are unavailable.

Timetable:

Action	Date	FR Cite
NPRM	10/14/10	75 FR 67060
NPRM Comment Period End.	01/18/11	
R&O	11/29/11	76 FR 73830
FNPRM	12/16/11	76 FR 78384
R&O	12/28/11	76 FR 81562
2nd R&O	07/03/12	77 FR 39435
4th Order on Recon.	08/14/12	77 FR 48453
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Mackoul, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0660.

RIN: 3060–AJ58

378. Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHZ and 1626.5–1660.5 MHZ, 1610–1626.5 MHZ and 2483.5–2500 MHZ, and 2000–2020 MHZ and 2180–2200 MHZ

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 303 and 310

Abstract: The Commission proposes steps to make additional spectrum

available for new investment in mobile broadband networks while ensuring that the United States maintains robust mobile satellite service capabilities. Mobile broadband is emerging as one of America's most dynamic innovation and economic platforms. Yet tremendous demand growth will soon test the limits of spectrum availability. 90 megahertz of spectrum allocated to the Mobile Satellite Service (MSS)—in the 2 GHz band, Big LEO band, and L-band—are potentially available for terrestrial mobile broadband use. The Commission seeks to remove regulatory barriers to terrestrial use, and to promote additional investments, such as those recently made possible by a transaction between Harbinger Capital Partners and SkyTerra Communications, while retaining sufficient market wide MSS capability. The Commission proposes to add co-primary Fixed and Mobile allocations to the 2 GHz band, consistent with the International Table of Allocations. This allocation modification is a precondition for more flexible licensing of terrestrial services within the band. Second, the Commission proposes to apply the Commission's secondary market policies and rules applicable to terrestrial services to all transactions involving the use of MSS bands for terrestrial services in order to create greater predictability and regulatory parity with bands licensed for terrestrial mobile broadband service. The Commission also requests comment on further steps we can take to increase the value, utilization, innovation, and investment in MSS spectrum generally.

Timetable:

Action	Date	FR Cite
NPRM	07/15/10	75 FR 49871
NPRM Comment Period End.	09/30/10	
R&O	04/06/11	76 FR 31252
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeremy Marcus, Assistant Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0059, *Fax:* 202 418–7257,
Email: jeremy.marcus@fcc.gov.

RIN: 3060–AJ59

379. Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHZ Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 AND 11–110)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308

Abstract: This proceeding was initiated to allow EA-based 800 MHz SMR Licensees in 813.5–824/858.5–869 MHz to exceed the channel spacing and bandwidth limitation in section 90.209 of the Commission's rules subject to conditions.

Timetable:

Action	Date	FR Cite
NPRM	03/29/12	77 FR 18991
NPRM Comment Period End.	04/13/12	
R&O	05/24/12	77 FR 33972
Petition for Recon Public Notice.	08/16/12	77 FR 53163
Petition for Recon PN Comment Period End.	09/27/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Regan, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2849, *Email: brian.regan@fcc.gov.*

RIN: 3060–AJ71

380. Service Rules for Advanced Wireless Services in the 2000–2020 MHZ and 2180–2200 MHZ Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153; 47 U.S.C. 154(i); 47 U.S.C. 227; 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 324; 47 U.S.C. 332; 47 U.S.C. 333

Abstract: In the Report and Order, the Commission increased the Nation's supply of spectrum for mobile broadband by removing unnecessary barriers to flexible use of spectrum currently assigned to the Mobile Satellite Service (MSS) in the 2 GHz band. This action carries out a recommendation in the National Broadband Plan that the Commission enable the provision of stand-alone terrestrial services in this spectrum. We do so by adopting service, technical, assignment, and licensing rules for this spectrum. These rules are designed to provide for flexible use of this spectrum, to encourage innovation and investment in mobile broadband, and to provide a stable regulatory environment in which broadband deployment could develop.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End.	04/17/12	
NPRM	04/17/12	77 FR 22720
R&O	05/05/13	78 FR 8229
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeremy Marcus, Assistant Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0059, *Fax:* 202 418–7257,
Email: jeremy.marcus@fcc.gov.

RIN: 3060–AJ73

381. Promoting Interoperability in the 700 MHZ Commercial Spectrum; Interoperability of Mobile User Equipment Across Paired Commercial Spectrum Blocks in the 700 MHZ Band

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 154 (j); 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303(b); 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 304; 47 U.S.C. 307(a); 47 U.S.C. 309(j)(3); 47 U.S.C. 316(a)(1); 47 CFR 1.401 *et seq.*

Abstract: The Commission seeks comment on whether the customers of lower 700 MHz B and C block licensees would experience harmful interference—and if so, to what degree—if the lower 700 MHz band were interoperable. The Commission also explores the next steps should it find that interoperability would cause limited or no harmful interference to lower 700 MHz B and C block licensees, or that such interference can reasonably be mitigated through industry efforts and/or through modifications to the Commission's technical rules or other regulatory measures.

Timetable:

Action	Date	FR Cite
NPRM	04/02/12	77 FR 19575
NPRM Comment Period End.	06/01/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Boykin, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2062, *Email: brenda.boykin@fcc.gov.*

RIN: 3060–AJ78

382. • Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHZ and 1995–2000 MHZ Bands (WT Docket No. 12—357)

Legal Authority: 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310

Abstract: The Commission proposes rules for the Advanced Wireless Services (AWS) H Block that would make available tem megahertz of flexible use. The proposal would extend the widely deployed Personal Communications Services (PCS) band, which is used by the four national providers as well as regional and rural providers to offer mobile service across the nation. The additional spectrum for mobile use will help ensure that the speed, capacity, and ubiquity of the nation's wireless networks keeps pace with the skyrocketing demand for mobile services.

Today's action is a first step in implementing the Congressional directive in the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) that we grant new initial licenses for the 1915–1920 MHz and 1995–2000 MHz bands (the Lower H Block and Upper H Block, respectively) through a system of competitive bidding—unless doing so would cause harmful interference to commercial mobile service licenses in the 1930–1985 MHz (PCS downlink) band. The potential for harmful interference to the PCS downlink band relates only to the Lower H Block transmissions, and may be addressed by appropriate technical rules, including reduced power limits on H Block devices. We therefore propose to pair and license the Lower H Block and the Upper H Block for flexible use, including mobile broadband, with an aim to assign the licenses through competitive bidding in 2013. In the event that we conclude that the Lower H Block cannot be used without causing harmful interference to PCS, we propose to license the Upper H Block for full power and seek comment on appropriate use for the Lower H Block, including Unlicensed PCS.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1166
NPRM Comment Period End.	03/06/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeremy Marcus, Assistant Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0059, *Fax:* 202 418–7257, *Email: jeremy.marcus@fcc.gov.*

RIN: 3060–AJ86

383. • Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules To Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4)

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

Abstract: This action adopts new technical, operational, and registration requirements for signal boosters, and creates two classes of signal boosters—Consumer and Industrial—with distinct regulatory requirements for each, thereby establishing a two-step transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/10/11	76 FR 26983
R&O	04/11/13	78 FR 21555
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joyce Jones, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1327, *Email: joyce.jones@fcc.gov.*

RIN: 3060–AJ87

384. • Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 AND 09–42)

Legal Authority: 48 Stat 1066, 1082 as amended; 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e); 47 U.S.C. 151–156; 47 U.S.C. 301; * * *

Abstract: This action amends part 87 rules to authorize new ground station technologies to promote safety and allow use of frequency 1090 MHz by aeronautical utility mobile stations for airport surface detection equipment commonly referred to as ''squitters,'' to help reduce collisions between aircraft and airport ground vehicles.

Timetable:

Action	Date	FR Cite
NPRM	04/28/10	75 FR 22352
R&O (Release Date).	03/01/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov.*

RIN: 3060–AJ88

385. • Amendment of the Commission's Rules Concerning Commercial Radio Operators (WT Docket No. 10–177)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 332(a)2

Abstract: This action amends parts 0, 1, 13, 80, and 87 of the Commission's rules concerning commercial radio operator licenses for maritime and aviation radio stations in order to reduce administrative burdens on the telecom industry.

Timetable:

Action	Date	FR Cite
NPRM	10/29/10	75 FR 66709
R&O	04/18/13	78 FR 23150
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stanislava Kimball, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1306, *Email: stanislava.kimball@fcc.gov.*

RIN: 3060–AJ91

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Long-Term Actions

386. Implementation of the Universal Service Portions of the 1996 Telecommunications Act

Legal Authority: 47 U.S.C. 151 *et seq.*

Abstract: The goals of Universal Service, as mandated by the 1996 Act, are to promote the availability of quality services at just, reasonable, and affordable rates; increase access to advanced telecommunications services throughout the Nation; advance the availability of such services to all consumers, including those in low-income, rural, insular, and high-cost

areas at rates that are reasonably comparable to those charged in urban areas. In addition, the 1996 Act states that all providers of telecommunications services should contribute to Federal universal service in some equitable and nondiscriminatory manner; there should be specific, predictable, and sufficient Federal and State mechanisms to preserve and advance universal service; all schools, classrooms, health care providers, and libraries should, generally, have access to advanced telecommunications services; and finally, that the Federal-State Joint Board and the Commission should determine those other principles that, consistent with the 1996 Act, are necessary to protect the public interest. More recently, modernization efforts for continuous improvements to the universal service programs are being realized consistent and in keeping with the goals envisioned by the National Broadband Plan.

On February 19, 2010, the Commission released an Order and Notice of Proposed Rulemaking that enabled schools that receive funding from the E-rate program to allow members of the general public to use the schools' Internet access during nonoperating hours through funding year 2010 (July 1, 2010, through June 30, 2011) and sought comment on revising its rules to make this change permanent.

On March 18, 2010, the Commission issued a Report & Order and Memorandum Opinion & Order. In this order, the Commission addressed an inequitable asymmetry in the Commission's current rules governing the receipt of universal service high-cost local switching support (LSS) by small incumbent local exchange carriers (LECs). By modifying the Commission's rules to permit incumbent LECs that lose lines to receive additional LSS when they cross a threshold, the order provides LSS to all small LECs on the same basis. Nothing in the order is intended to address the long-term role of LSS in the Commission's high-cost on universal service policies, which the Commission is considering as part of comprehensive universal service reform. April 16, 2010, the Commission issued an Order and NPRM addressing high-cost universal service support for nonrural carriers serving insular areas. In the NPRM, the Commission sought comment on amending its rules to provide additional low-income support in Puerto Rico.

On April 21, 2010, the Commission issued a Notice of Inquiry and Notice of Proposed Rulemaking, the first in a series of proceedings to kick off universal service support reform that is key to making broadband service available for millions of Americans who lack access. This NOI and NPRM sought comment on first steps to reform the distribution of universal service high-cost support.

Timetable:

Action	Date	FR Cite
Recommended Decision Federal—State Joint Board, Universal Service.	11/08/96	61 FR 63778
First R&O	05/08/97	62 FR 32862
Second R&O	05/08/97	62 FR 32862
Order on Recon	07/10/97	62 FR 40742
R&O and Second Order on Recon.	07/18/97	62 FR 41294
Second R&O, and FNPRM.	08/15/97	62 FR 47404
Third R&O	10/14/97	62 FR 56118
Second Order on Recon.	11/26/97	62 FR 65036
Fourth Order on Recon.	12/30/97	62 FR 2093
Fifth Order on Recon.	06/22/98	63 FR 43088
Fifth R&O	10/28/98	63 FR 63993
Eighth Order on Recon.	11/21/98	
Second Recommended Decision.	11/25/98	63 FR 67837
Thirteenth Order on Recon.	06/09/99	64 FR 30917
FNPRM	06/14/99	64 FR 31780
FNPRM	09/30/99	64 FR 52738
Fourteenth Order on Recon.	11/16/99	64 FR 62120
Fifteenth Order on Recon.	11/30/99	64 FR 66778
Tenth R&O	12/01/99	64 FR 67372
Ninth R&O and Eighteenth Order on Recon.	12/01/99	64 FR 67416
Nineteenth Order on Recon.	12/30/99	64 FR 73427
Twentieth Order on Recon.	05/08/00	65 FR 26513
Public Notice	07/18/00	65 FR 44507
Twelfth R&O, MO&O and FNPRM.	08/04/00	65 FR 47883
FNPRM and Order.	11/09/00	65 FR 67322
FNPRM	01/26/01	66 FR 7867
R&O and Order on Recon.	03/14/01	66 FR 16144
NPRM	05/08/01	66 FR 28718
Order	05/22/01	66 FR 35107
Fourteenth R&O and FNPRM.	05/23/01	66 FR 30080
FNPRM and Order.	01/25/02	67 FR 7327
NPRM	02/15/02	67 FR 9232
NPRM and Order	02/15/02	67 FR 10846
FNPRM and R&O	02/26/02	67 FR 11254
NPRM	04/19/02	67 FR 34653
Order and Second FNPRM.	12/13/02	67 FR 79543
NPRM	02/25/03	68 FR 12020
Public Notice	02/26/03	68 FR 10724
Second R&O and FNPRM.	06/20/03	68 FR 36961
Twenty–Fifth Order on Recon, R&O, Order, and FNPRM.	07/16/03	68 FR 41996
NPRM	07/17/03	68 FR 42333
Order	07/24/03	68 FR 47453
Order	08/06/03	68 FR 46500
Order and Order on Recon.	08/19/03	68 FR 49707
Order on Remand, MO&O, FNPRM.	10/27/03	68 FR 69641
R&O, Order on Recon, FNPRM.	11/17/03	68 FR 74492
R&O, FNPRM	02/26/04	69 FR 13794
R&O, FNPRM	04/29/04	
NPRM	05/14/04	69 FR 3130
NPRM	06/08/04	69 FR 40839
Order	06/28/04	69 FR 48232
Order on Recon & Fourth R&O.	07/30/04	69 FR 55983
Fifth R&O and Order.	08/13/04	69 FR 55097
Order	08/26/04	69 FR 57289
Second FNPRM	09/16/04	69 FR 61334
Order & Order on Recon.	01/10/05	70 FR 10057
Sixth R&O	03/14/05	70 FR 19321
R&O	03/17/05	70 FR 29960
MO&O	03/30/05	70 FR 21779
NPRM & FNPRM	06/14/05	70 FR 41658
Order	10/14/05	70 FR 65850
Order	10/27/05	
NPRM	01/11/06	71 FR 1721
Report Number 2747.	01/12/06	71 FR 2042
Order	02/08/06	71 FR 6485
FNPRM	03/15/06	71 FR 13393
R&O and NPRM	07/10/06	71 FR 38781
Order	01/01/06	71 FR 6485
Order	05/16/06	71 FR 30298
MO&O and FNPRM.	05/16/06	71 FR 29843
R&O	06/27/06	71 FR 38781
Public Notice	08/11/06	71 FR 50420
Order	09/29/06	71 FR 65517
Public Notice	03/12/07	72 FR 36706
Public Notice	03/13/07	72 FR 40816
Public Notice	03/16/07	72 FR 39421
Notice of Inquiry	04/16/07	
NPRM	05/14/07	72 FR 28936
Recommended Decision.	11/20/07	
Order	02/14/08	73 FR 8670
NPRM	03/04/08	73 FR 11580
NPRM	03/04/08	73 FR 11591
R&O	05/05/08	73 FR 11837
Public Notice	07/02/08	73 FR 37882
NPRM	08/19/08	73 FR 48352
Notice of Inquiry	10/14/08	73 FR 60689
Order on Remand, R&O, FNPRM.	11/12/08	73 FR 66821
R&O	05/22/09	74 FR 2395
Order & NPRM	03/24/10	75 FR 10199
R&O and MO&O	04/08/10	75 FR 17872
NOI and NPRM	05/13/10	75 FR 26906
Order and NPRM	05/28/10	75 FR 30024
NPRM	06/09/10	75 FR 32699
NPRM	08/09/10	75 FR 48236
NPRM	09/21/10	75 FR 56494

Action	Date	FR Cite
R&O	12/03/10	75 FR 75393
Order	01/27/11	76 FR 4827
NPRM	03/02/11	76 FR 11407
NPRM	03/02/11	76 FR 11632
NPRM	03/23/11	76 FR 16482
Order and NPRM	06/27/11	76 FR 37307
R&O	12/28/11	76 FR 81562
Order	03/09/12	77 FR 14297
R&O	03/30/12	77 FR 19125
Order	05/23/12	77 FR 30411
3rd Order on Recon.	05/24/12	77 FR 30904
Public Notice	05/31/12	77 FR 32113
FNPRM	06/07/12	77 FR 33896
Public Notice	07/26/12	77 FR 43773
Order	08/30/12	77 FR 52616
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AF85

387. 2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements

Legal Authority: 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 303(r); 47 U.S.C. 403

Abstract: This NPRM proposes to eliminate our current service quality reports (ARMIS Report 43–05 and 43–06) and replace them with a more consumer-oriented report. The NPRM proposes to reduce the reporting categories from more than 30 to 6, and addresses the needs of carriers, consumers, State public utility commissions, and other interested parties.

On February 15, 2005, the Commission adopted an Order that extended the Federal-State Joint Conference on Accounting Issues until March 1, 2007.

Timetable:

Action	Date	FR Cite
NPRM	12/04/00	65 FR 75657
Order	02/06/02	67 FR 5670
Order	03/22/05	70 FR 14466
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Zima, Deputy Chief, Industry Analysis Division, WCB, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7380, *Fax:* 202 418–6768, *Email: cathy.zima@fcc.gov.*

RIN: 3060–AH72

388. Access Charge Reform and Universal Service Reform

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201 to 205; 47 U.S.C. 254; 47 U.S.C. 403

Abstract: On October 11, 2001, the Commission adopted an Order reforming the interstate access charge and universal service support system for rate-of-return incumbent carriers. The Order adopts three principal reforms. First, the Order modifies the interstate access rate structure for small carriers to align it more closely with the manner in which costs are incurred. Second, the Order removes implicit support for universal service from the rate structure and replaces it with explicit, portable support. Third, the Order permits small carriers to continue to set rates based on the authorized rate of return of 11.25 percent. The Order became effective on January 1, 2002, and the support mechanism established by the Order was implemented beginning July 1, 2002.

The Commission also adopted a Further Notice of Proposed Rulemaking (FNPRM) seeking additional comment on proposals for incentive regulation, increased pricing flexibility for rate-of-return carriers, and proposed changes to the Commission's ''all-or-nothing'' rule. Comments on the FNPRM were due on February 14, 2002, and reply comments on March 18, 2002.

On February 12, 2004, the Commission adopted a Second Report and Order resolving several issues on which the Commission sought comment in the FNPRM. First, the Commission modified the ''all-or-nothing'' rule to permit rate-of-return carriers to bring recently acquired price cap lines back to rate-of-return regulation. Second, the Commission granted rate-of-return carriers the authority immediately to provide geographically deaveraged transport and special access rates, subject to certain limitations. Third, the Commission merged Long Term Support (LTS) with Interstate Common Line Support (ICLS).

The Commission also adopted a Second FNPRM seeking comment on two specific plans that propose establishing optional alternative regulation mechanisms for rate-of-return carriers. In conjunction with the consideration of those alternative regulation proposals, the Commission sought comment on modification that would permit a rate-of-return carrier to adopt an alternative regulation plan for some study areas, while retaining rate-of-return regulation for other of its study areas. Comments on the Second FNPRM were due on April 23, 2004, and May 10, 2004.

Timetable:

Action	Date	FR Cite
NPRM	01/25/01	66 FR 7725
NPRM Comment Period End.	02/26/01	
FNPRM	11/30/01	66 FR 59761
FNPRM Comment Period End.	12/31/01	
R&O	11/30/01	66 FR 59719
Second FNPRM	03/23/04	69 FR 13794
Second FNPRM Comment Period End.	04/23/04	
Order	05/06/04	69 FR 25325
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney-Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1572, *Email: douglas.slotten@fcc.gov.*

RIN: 3060–AH74

389. National Exchange Carrier Association Petition

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 201 and 202; . . .

Abstract: In a Notice of Proposed Rulemaking (NPRM) released on July 19, 2004, the Commission initiated a rulemaking proceeding to examine the proper number of end user common line charges (commonly referred to as subscriber line charges or SLCs) that carriers may assess upon customers that obtain derived channel T–1 service where the customer provides the terminating channelization equipment and upon customers that obtain Primary Rate Interface (PRI) Integrated Service Digital Network (ISDN) service.

Timetable:

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50141
NPRM Comment Period End.	11/12/04	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney-Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1572, *Email: douglas.slotten@fcc.gov.*

RIN: 3060–AI47

390. IP–Enabled Services

Legal Authority: 47 U.S.C. 151 and 152; * * *

Abstract: The notice seeks comment on ways in which the Commission might categorize or regulate IP-enabled services. It poses questions regarding the proper allocation of jurisdiction over each category of IP-enabled service. The notice then requests comment on whether the services comprising each category constitute ''telecommunications services'' or ''information services'' under the definitions set forth in the Act. Finally, noting the Commission's statutory forbearance authority and title I ancillary jurisdiction, the notice describes a number of central regulatory requirements (including, for example, those relating to access charges, universal service, E911, and disability accessibility), and asks which, if any, should apply to each category of IP-enabled services.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM Comment Period End.	07/14/04	
First R&O	06/03/05	70 FR 37273
Public Notice	06/16/05	70 FR 37403
First R&O Effective.	07/29/05	70 FR 43323
Public Notice	08/31/05	70 FR 51815
R&O	07/10/06	71 FR 38781
R&O and FNPRM	06/08/07	72 FR 31948
FNPRM Comment Period End.	07/09/07	72 FR 31782
R&O	08/06/07	72 FR 43546
Public Notice	08/07/07	72 FR 44136
R&O	08/16/07	72 FR 45908
Public Notice	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Public Notice	12/13/07	72 FR 70808
Public Notice	12/20/07	72 FR 72358
R&O	02/21/08	73 FR 9463
NPRM	02/21/08	73 FR 9507
Order	05/15/08	73 FR 28057
Order	07/29/09	74 FR 37624
R&O	08/07/09	74 FR 39551
Public Notice	10/14/09	74 FR 52808
Announcement of Effective Date.	03/19/10	75 FR 13235
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM, Order, & NOI (Release Date).	04/13/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Stelzig, Deputy Chief, Competition Policy Division, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0942, *Email: tim.stelzig@fcc.gov.*

RIN: 3060–AI48

391. Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07–135)

Legal Authority: Not Yet Determined

Abstract: The Federal Communications Commission (Commission) is examining whether its existing rules governing the setting of tariffed rates by local exchange carriers (LECs) provide incentives and opportunities for carriers to increase access demand endogenously with the result that the tariff rates are no longer just and reasonable. The Commission tentatively concluded that it must revise its tariff rules so that it can be confident that tariffed rates remain just and reasonable even if a carrier experiences or induces significant increases in access demand. The Commission sought comment on the types of activities that are caused increases in interstate access demand and the effects of such demand increases on the cost structures of LECs. The Commission also sought comment on several means of ensuring just and reasonable rates going forward. The NPRM invited comment on potential traffic stimulation by rate-of-return LECs, price cap LECs, and competitive LECs, as well as other forms of intercarrier traffic stimulation. Comments were received on December 17, 2007, and reply comments were received on January 16, 2008.

On February 8, 2011, the Commission adopted a Further Notice of Proposed Rulemaking seeking comment on proposed rule revisions to address access stimulation. The Commission sought comment on a proposal to require rate-of-return LECs and competitive LECs to file revised tariffs if they enter into or have existing revenue sharing agreements. The proposed tariff filing requirements vary depending on the type of LEC involved. The Commission also sought comment on other record proposals and on possible rules for addressing access stimulation in the context of intra-MTA call terminations by CMRS providers. Comments were filed on April 1, 2011, and reply comments were filed on April 18, 2011.

In the USF/ICC Transformation Order, we defined access stimulation. The access stimulation definition we adopted has two conditions: (1) A revenue sharing condition; and (2) an additional traffic volume condition, which is met where the LEC either; (a) has a three-to-one interstate terminating-to-originating traffic ratio in a calendar month; or (b) has had more than a 100 percent growth in interstate originating and/or terminating switched access minutes of use in a month compared to the same month in the preceding year. If both conditions are satisfied, the LEC generally must file revised tariffs to account for its increased traffic.

Timetable:

Action	Date	FR Cite
NPRM	11/15/07	72 FR 64179
NPRM Comment Period End.	12/17/07	
FNPRM	03/02/11	76 FR 11632
R&O and FNPRM	12/08/11	76 FR 76623
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney-Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1572, *Email: douglas.slotten@fcc.gov.*

RIN: 3060–AJ02

392. Jurisdictional Separations

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

Abstract: Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and market changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of 5 years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission adopted an Order and Further Notice of Proposed Rulemaking, which extended the separations freeze for a period of 3 years and sought comment on comprehensive reform. In 2009, the Commission adopted a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2012. In 2012, the

Commission adopted a Report and Order extending the separations freeze for an additional 2 years to June 2014.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
Report and Order	05/15/09	74 FR 23955
R&O	05/25/10	75 FR 30301
R&O	05/27/11	76 FR 30840
Report and Order	05/23/12	77 FR 30410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ted Burmeister, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7389, *Email: theodore.burmeister@fcc.gov.*

RIN: 3060–AJ06

393. Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21)

Legal Authority: 47 U.S.C. 151 to 155; 47 U.S.C. 160 and 161; 47 U.S.C. 20 to 205; 47 U.S.C. 215; 47 U.S.C. 218 to 220; 47 U.S.C. 251 to 271; 47 U.S.C. 303(r) and 332; 47 U.S.C. 403; 47 U.S.C. 502 and 503

Abstract: This NPRM tentatively proposes to collect infrastructure and operating data that is tailored in scope to be consistent with Commission objectives from all facilities-based providers of broadband and telecommunications. Similarly, the NPRM also tentatively proposes to collect data concerning service quality and customer satisfaction from all facilities-based providers of broadband and telecommunications. The NPRM seeks comment on the proposals, on the specific information to be collected, and on the mechanisms for collecting information.

Timetable:

Action	Date	FR Cite
NPRM	10/15/08	73 FR 60997
NPRM Comment Period End.	11/14/08	
Reply Comment Period End.	12/15/08	
NPRM	02/28/11	76 FR 12308
NPRM Comment Period End.	03/30/11	
Reply Comment Period End.	04/14/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Zima, Deputy Chief, Industry Analysis Division, WCB, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7380, *Fax:* 202 418–6768, *Email: cathy.zima@fcc.gov.*

RIN: 3060–AJ14

394. Form 477; Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans

Legal Authority: 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

Abstract: The NPRM seeks comment on streamlining and reforming the Commission's Form 477 Data Program, which is the Commission's primary tool to collect data on broadband and telephone services.

Timetable:

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27519
Order	07/02/08	73 FR 37861
Order	10/15/08	73 FR 60997
NPRM	02/08/11	76 FR 10827
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol Simpson, Deputy Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2391, *Fax:* 202 418–2816, *Email: carol.simpson@fcc.gov.*

RIN: 3060–AJ15

395. Preserving the Open Internet; Broadband Industry Practices

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154 (i)–(j); 47 U.S.C. 201(b)

Abstract: In 2009, the FCC launched a public process to determine whether and what actions might be necessary to preserve the characteristics that have allowed the Internet to grow into an indispensable platform supporting our Nation's economy and civic life. After receiving input from more than 100,000 individuals and organizations and several public workshops, this process has made clear that the Internet has thrived because of its freedom and openness—the absence of any gatekeeper blocking lawful uses of the network or picking winners and losers online. The Open Internet Order builds on the bipartisan Internet Policy Statement the Commission adopted in 2005. The Order requires that all broadband providers are required to be transparent by disclosing their network management practices, performance, and commercial terms; fixed providers may not block lawful content, applications, services, or non-harmful devices; fixed providers may not unreasonably discriminate in transmitting lawful network traffic; mobile providers may not block access to lawful Web sites, or applications that compete with their voice or video telephony services; and all providers may engage in ''reasonable network management,'' such as managing the network to address congestion or security issues. The rules do not prevent broadband providers from offering specialized services, such as facilities-based VoIP; do not prevent providers from blocking unlawful content or unlawful transfers of content; and do not supersede any obligation or authorization a provider may have to address the needs of emergency communications or law enforcement, public safety, or national security authorities.

Timetable:

Action	Date	FR Cite
NPRM	11/30/09	74 FR 62638
NPRM Comment Period End.	04/26/10	
Public Notice	09/10/10	75 FR 55297
Comment Period End.	11/04/10	
Order	09/23/11	76 FR 59192
OMB Approval Notice.	09/21/11	76 FR 58512
Rules Effective	11/20/11	
Public Notice Petition for Recon.	11/14/11	76 FR 74721
Comment Period End.	12/27/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: R. Matthew Warner, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2419, *Email: matthew.warner@fcc.gov.*

RIN: 3060–AJ30

396. Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: In 2007, the Commission released a Notice of Proposed Rulemaking in WC Docket No. 07–244. The Notice sought comment on whether the Commission should adopt rules specifying the length of the porting intervals or other details of the porting process. It also tentatively concluded that the Commission should adopt rules reducing the porting interval for wireline-to-wireline and intermodal simple port requests, specifically, to a 48-hour porting interval.

In the Local Number Portability Porting Interval and Validation Requirements First Report and Order and Further Notice of Proposed Rulemaking, released on May 13, 2009, the Commission reduced the porting interval for simple wireline and simple intermodal port requests, requiring all entities subject to its local number portability (LNP) rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day. In a related Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on what further steps, if any, the Commission should take to improve the process of changing providers.

In the LNP Standard Fields Order, released on May 20, 2010, the Commission adopted standardized data fields for simple wireline and intermodal ports. The Order also adopts the NANC's recommendations for porting process provisioning flows and for counting a business day in the context of number porting.

Timetable:

Action	Date	FR Cite
NPRM	02/21/08	73 FR 9507
R&O and FNPRM	07/02/09	74 FR 31630
R&O	06/22/10	75 FR 35305
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney–Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov*.

RIN: 3060–AJ32

397. Electronic Tariff Filing System (WC Docket No. 10–141)

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 201 to 205; 47 U.S.C. 218 and 222; 47 U.S.C. 225 to 226; 47 U.S.C. 228 and 254; 47 U.S.C. 403

Abstract: Section 402(b)(1)(A)(iii) of the Telecommunications Act of 1996 added section 204(a)(3) to the Communications Act of 1934, as amended, providing for streamlined tariff filings by local exchange carriers. On September 6, 1996, in an effort to meet the goals of the 1996 Act, the Commission released the Tariff Streamlining NPRM, proposing measures to implement the tariff streamlining requirements of section 204(a)(3). Among other suggestions, the Commission proposed requiring LECs to file tariffs electronically.

The Commission began implementing the electronic filing of tariffs on January 31, 1997, when it released the Streamlined Tariff Order. On November 17, 1997, the Bureau made this electronic system, known as the Electronic Tariff Filing System (EFTS), available for voluntary filing by incumbent LECs. The Bureau also announced that the use of ETFS would become mandatory for all incumbent LECs in 1998.

On May 28, 1998, in the ETFS Order, the Bureau established July 1, 1998, as the date after which incumbent LECs would be required to use ETFS to file tariffs and associated documents. The Commission deferred consideration of establishing mandatory electronic filing for non-incumbent LECs until the conclusion of a proceeding considering the mandatory detariffing of interstate long distance services.

On June 9, 2011, the Commission adopted rule revisions to require all tariff filiers to file tariffs using ETFS. Carriers were given a 60-day window in order to make their initial filings on ETFS. On October 13, 2011, the Commission announced that all tariff filiers should file their initial Base Document and/or Informational Tariff using the ETFS between November 17, 2011 and January 17, 2012. After January 17, 2012, all carriers would be required to use ETFS on a going-forward basis to file their tariff documents.

Timetable:

Action	Date	FR Cite
NPRM	08/11/10	75 FR 48629
NPRM Comment Period End.	09/10/10	
NPRM Reply Comment Period End.	09/27/10	
Report and Order	07/20/11	76 FR 43206
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Pamela Arluk, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1540, *Email: pamela.arluk@fcc.gov*.

RIN: 3060–AJ41

398. Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i0; 47 U.S.C. 154(j); 47 U.S.C. 224

Abstract: In 2010, the Commission released an Order and Further Notice of Proposed Rulemaking that implemented certain pole attachment recommendations of the National Broadband Plan and sought comment with regard to others. On April 7, 2011, the Commission adopted a Report and Order and Order on Reconsideration that sets forth a comprehensive regulatory scheme for access to poles, and modifies existing rules for pole attachment rates and enforcement.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6879
FNPRM	07/15/10	75 FR 41338
Declaratory Ruling	08/03/10	75 FR 45494
R&O	05/09/11	76 FR 26620
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jonathan Reel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0637, *Email: jonathan.reel@fcc.gov*.

RIN: 3060–AJ64

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Part XXIV

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is hereby publishing items for the spring 2013 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Robert E. Feldman, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

Proposed Rules

Restrictions on Post-Employment Activities of Senior Examiners (3064–AD98)

The FDIC proposes to rescind and remove 12 CFR part 390, subpart A, entitled ''Restrictions on Post-Employment Activities of Senior Examiners.''

Final Rule

Margin and Capital Requirements for Covered Swap Entities (3064–AD79)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Farm Credit Administration, and the Federal Housing Finance Agency (collectively, the Agencies) reopened the comment period on the proposed rule published in the **Federal Register** on May 11, 2011 (76 FR 27564), to establish minimum margin and capital requirements for uncleared swaps and security-based swaps entered into by swap dealers, major swap participants, security-based swap dealers, and major security-based swap participants for which one of the Agencies is the prudential regulator (Proposed Margin Rule). Reopening the comment period that expired on July 11, 2011, allowed interested persons additional time to analyze and comment on the Proposed Margin Rule in light of the consultative document on margin requirements for non-centrally-cleared derivatives recently published for comment by the Basel Committee on Banking Supervision and the International Organization of Securities Commissions.

Prohibitions and Restrictions on Proprietary Trading and Certain Interests in, and Relationships With, Hedge Funds and Private Equity Funds (3064–AD85)

On November 7, 2011, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and U.S. Securities and Exchange Commission (collectively, the Agencies) published in the **Federal Register** a joint notice of proposed rulemaking for public comment to implement section 619 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), which contains certain prohibitions and restrictions on the ability of a banking entity and nonbank financial company supervised by the Board to engage in proprietary trading and have certain interests in, or relationships with, a hedge fund or private equity fund. Due to the complexity of the issues involved and to facilitate coordination of the rulemaking among the responsible agencies as provided in section 619 of the Dodd-Frank Act, the Agencies have determined that an extension of the comment period was appropriate. This action allowed interested persons additional time to analyze the proposed rules and prepare their comments.

Incentive-Based Compensation Arrangements (3064–AD86)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the U.S. Securities Exchange Commission, and the Fair Housing Finance Agency proposed a rule to implement section 956 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The rule would require the reporting of incentive-based compensation arrangements by a covered financial institution and prohibit incentive-based compensation arrangements at a covered financial institution that provide excessive compensation or that could expose the institution to inappropriate risks that could lead to material financial loss.

Regulatory Capital Rules (Part I): Regulatory Capital, Minimum Regulatory Capital Ratios, Capital Adequacy, Transition Provisions (3064–AD95)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation (collectively, the Agencies) sought comment on three notices of proposed rulemaking (NPRM) that would revise and replace the Agencies' current capital rules. In this NPRM, the Agencies are proposing to revise their risk-based and leverage capital requirements consistent with agreements reached by the Basel Committee on Banking Supervision in Basel III: A Global Regulatory Framework for More Resilient Banks and Banking Systems. The proposed revisions would include implementation of a new common equity tier 1 minimum capital requirement, a higher minimum tier 1 capital requirement, and, for banking organizations subject to the advanced approaches capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator measure. Additionally, consistent with Basel III, the Agencies proposed to apply limits on a banking organization's capital distributions and certain discretionary bonus payments if the banking organization does not hold a specified amount of common equity tier 1 capital in addition to the amount necessary to meet its minimum risk-based requirements. This NPRM also would establish more conservative standards for including an instrument in regulatory capital. As discussed in the proposal, the revisions set forth in this NPRM are consistent with section 171 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which requires the Agencies to establish minimum risk-based and leverage capital requirements.

Regulatory Capital Rules (Part II): Standardized Approach for Risk-Weighted Assets; Market Discipline and Disclosure Requirements (3064–AD96)

On August 30, 2012, the FDIC, together with the Board of Governors of the Federal Reserve System and Office of the Comptroller of the Currency (together, the Agencies), published in the **Federal Register** a joint notice of proposed rulemaking, titled ''Regulatory

Capital Rules: Standardized Approach for Risk-Weighted Assets; Market Discipline and Disclosure Requirements'' (Standardized Approach NPRM or Proposed Rule). The proposed rule would revise and harmonize the Agencies' rules for calculating risk weighted assets to enhance risk sensitivity and address weaknesses identified over recent years, including by incorporating certain international capital standards of the Basel Committee on Banking Supervision (BCBS) set forth in the standardized approach of the international accord, titled ''International Convergency of Capital Measurement and Capital Standards: A Revised Framework,'' as revised by the BCBS in 2006 and 2009, as well as other proposals set forth in consultative papers of the BCBS. Section 3(a) of the Regulatory Flexibility Act (RFA) directs all Federal agencies to publish an initial regulatory flexibility analysis (IRFA), or a summary thereof, describing the impact of a proposed rule on small entities anytime an agency is required to publish a notice of proposed rulemaking in the **Federal Register**. As provided in the Standardized Approach NPRM, the Agencies are separately publishing initial regulatory flexibility analyses for the Proposed Rule. Accordingly, the FDIC sought comment on the IRFA provided in this **Federal Register** document, which describes the economic impact of the Standardized Approach NPR, in accordance with the requirements of the RFA.

Regulatory Capital Rules (Part III): Advanced Approaches Risk-Based Capital Rules; Market Risk Capital Rule (3064–AD97)

The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the FDIC (collectively, the Agencies) are seeking comment on three notices of proposed rulemaking (NPRMs) that would revise and replace the Agencies' current capital rules. In this NPRM (Advanced Approaches and Market Risk NPRM) the Agencies are proposing to revise the advanced approaches risk-based capital rule to incorporate certain aspects of ''Basel III: A Global Regulatory Framework for More Resilient Banks and Banking Systems'' that the agencies would apply only to advanced approach banking organizations. This NPRM also proposes other changes to the advanced approaches rule that the agencies believe are consistent with changes by the Basel Committee on Banking Supervision (BCBS) to its ''International Convergence of Capital Measurement and Capital Standards: A Revised Framework'' (Basel II), as revised by the BCBS between 2006 and 2009, and recent consultative papers published by the BCBS. The Agencies also propose to revise the advanced approaches risk-based capital rule to be consistent with Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the Dodd-Frank Act). These revisions include replacing reference to credit ratings with alternative standards of creditworthiness consistent with section 939A of the Dodd-Frank Act. Additionally, the OCC and FDIC are proposing that the market risk capital rule be applicable to Federal and State savings associations, and the Board is proposing that the advanced approaches and market risk capital rules apply to top-tier savings and loan holding companies domiciled in the United States that meet the applicable thresholds.

Records of Failed Insured Depository Institutions (3064–AD99)

The FDIC proposed a rule, with request for comments, that would implement section 11(d)(15)(D) of the Federal Deposit Insurance Act (12 U.S.Cc section 1821(d)(15)(D)). This statutory provision provides timeframes for the retention of records of a failed insured depository institution. The proposed rule incorporates the statutory timeframes and defines the term ''records.''

Deposit Insurance Regulations; Deposits in Foreign Branches (3064–AE00)

The FDIC is proposing to amend its deposit insurance regulations, with respect to deposits payable in branches of United States insured depository institutions (United States bank or bank) outside of the United States. The proposed rule clarified that deposits in these foreign branches of United States banks are not FDIC-insured deposits. This would be the case whether or not they are dually payable both at the branch outside the United States and at an office within the United States. As discussed further below, a recent proposal by the United Kingdom's Financial Services Authority (U.K. FSA) makes it very likely that large United States banks will be changing their United Kingdom foreign branch deposit agreements to make them payable both in the United Kingdom and the United States. This action has the potential to increase significantly the exposure of the Deposit Insurance Fund (DIF) and operational complexities were such deposits to be treated as insured. The purpose of the proposed rule is to preserve confidence in the FDIC deposit insurance system, ensure that the FDIC can effectively carry out its critical deposit insurance functions, and protect the DIF against the uncertain liability that it would otherwise face as a global deposit insurer.

Long-Term Actions

Credit Risk Retention (3064–AD74)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the U.S. Securities and Exchange Commission, the Federal Housing Finance Agency, and the Department of Housing and Urban Development (collectively, the Agencies) are proposing rules to implement the credit risk retention requirements of section 15G of the Securities Exchange Act of 1934 (15 U.S.C. 78o-11), as added by section 941 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Section 15G generally requires the securitizer of asset-backed securities to retain not less than 5 percent of the credit risk of the assets collateralizing the asset-backed securities. Section 15G includes a variety of exemptions from these requirements, including an exemption for asset-backed securities that are collateralized exclusively by residential mortgages that qualify as ''qualified residential mortgages,'' as such term is defined by the Agencies by rule.

Recordkeeping Rules for Institutions Operating Under the Exceptions or Exemptions for Banks From the Definitions of ''Broker'' or ''Dealer'' in the Securities Exchange Act of 1934 (3064–AD80)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation requested comment on recordkeeping rules for banks, savings associations, Federal and State-licensed branches and agencies of foreign banks, and Edge and agreement corporations that engage in securities-related activities under the statutory exceptions or regulatory exemptions for ''banks'' from the definitions of ''broker'' or ''dealer'' in section 3(a)(4)(B) or section 3(a)(5) of the Securities Exchange Act of 1934. The rule is designed to facilitate and promote compliance with these exceptions and exemptions.

Completed Actions

Assessments, Large Bank Pricing (3064–AD92)

The FDIC has adopted this final rule to amend the assessment system for large and highly complex institutions by: (1) Revising the definitions of

certain higher-risk assets, specifically leveraged loans, which are renamed ''higher-risk C&I loans and securities,'' and subprime consumer loans, which are renamed ''higher-risk consumer loans''; (2) clarifying when an asset must be classified as higher risk; (3) clarifying the way securitizations are identified as higher risk; and (4) further defining terms that are used in the large bank pricing portions of 12 CFR 327.9. The names of the categories of assets included in the higher-risk assets to tier 1 capital and reserves ratio have been changed to avoid confusion between the definitions used in the deposit insurance assessment regulations and those used within the industry and in other regulatory guidance. The FDIC has not amended the definition of C&D loans and the final rule retains the definitions used in the February 2011 rule. The FDIC also retains the definition of nontraditional mortgage loans; however, the final rule clarifies how securitizations of nontraditional mortgage loans are identified as higher risk. The final rule aggregates all securitizations that contain higher-risk assets into a newly defined category of higher-risk assets, ''higher-risk securitizations.'' While the nomenclature is new, the notice of proposed rulemaking proposed including all assets that meet this newly defined category as higher-risk assets. The FDIC believes that the final rule will result in more consistent reporting, better reflect risk to the Deposit Insurance Fund, significantly reduce reporting burden, and satisfy many of the concerns voiced by the industry after adoption of the February 2011 rule. The final rule was effective on April 1, 2013.

Valerie Best,

Assistant Executive Secretary.

FEDERAL DEPOSIT INSURANCE CORPORATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
399	12 CFR 324 Regulatory Capital Rules (Part I): Regulatory Capital, Minimum Regulatory Capital Ratios, Capital Adequacy, Transition Provisions.	3064–AD95
400	12 CFR 324 Regulatory Capital Rules (Part III): Standardized Approach for Risk-Weighted Assets; Market Discipline and Disclosure Requirements.	3064–AD96
401	12 CFR 324 Regulatory Capital Rules (Part 3): Advanced Approaches Risk-Based Capital Rules; Market Risk Capital Rule.	3064–AD97

FEDERAL DEPOSIT INSURANCE CORPORATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
402	12 CFR 342 Recordkeeping Rules for Institutions Operating Under the Exceptions or Exemptions for Banks From the Definitions of ''Broker'' or ''Dealer'' in the Securities Exchange Act of 1934.	3064–AD80

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Final Rule Stage

399. Regulatory Capital Rules (Part I): Regulatory Capital, Minimum Regulatory Capital Ratios, Capital Adequacy, Transition Provisions

Legal Authority: Pub. L. 111—203

Abstract: The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation (collectively the ''Agencies''), sought comment on three Notices of Proposed Rulemaking (''NPRM'') that would revise and replace the Agencies' current capital rules. In this NPRM, the Agencies are proposing to revise their risk-based and leverage capital requirements consistent with agreements reached by the Basel Committee on Banking Supervision in Basel III: A Global Regulatory Framework for More Resilient Banks and Banking Systems. The proposed revisions would include implementation of a new common equity tier 1 minimum capital requirement, a higher minimum tier 1 capital requirement, and, for banking organizations subject to the advanced approaches capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator measure. Additionally, consistent with Basel III, the Agencies proposed to apply limits on a banking organization's capital distributions and certain discretionary bonus payments if the banking organization does not hold a specified amount of common equity tier 1 capital in addition to the amount necessary to meet its minimum risk based requirements. This NPRM also would establish more conservative standards for including an instrument in regulatory capital. As discussed in the proposal, the revisions set forth in this NPRM are consistent with section 171 of the Dodd-Frank Wall Street Reform and Consumer Protection Act which requires the Agencies to establish minimum risk-based and leverage capital requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/30/12	77 FR 169
NPRM Comment Period End.	10/22/12	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bobby R. Bean, Chief, Policy Section, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3575, *Email: bbean@fdic.gov.*

Mark Handzlik, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3900, *Email: mhandzlik@fdic.gov.*

Michael Phillips, Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3581, *Email: mphillips@fdic.gov.*

RIN: 3064–AD95

400. Regulatory Capital Rules (Part III): Standardized Approach for Risk-Weighted Assets; Market Discipline and Disclosure Requirements

Legal Authority: Pub. L. 111–203

Abstract: On August 30, 2012, the FDIC, together with the Board of Governors of the Federal Reserve System and Office of the Comptroller of

the Currency (together, ''the agencies'') published in the **Federal Register** a joint notice of proposed rulemaking, titled, ''Regulatory Capital Rules: Standardized Approach for Risk-Weighted Assets; Market Discipline and Disclosure Requirements'' (Standardized Approach NPR or Proposed Rule). The Proposed Rule would revise and harmonize the agencies' rules for calculating risk weighted assets to enhance risk sensitivity and address weaknesses identified over recent years, including by incorporating certain international capital standards of the Basel Committee on Banking Supervision (''BCBS'') set forth in the standardized approach of the international accord titled, ''International Convergency of Capital Measurement and Capital Standards: A Revised Framework'', as revised by the BCBS in 2006 and 2009, as well as other proposals set forth in consultative papers of the BCBS. Section 3(a) of the Regulatory Flexibility Act (''RFA'') directs all federal agencies to publish an initial regulatory flexibility analysis (''IRFA''), or a summary thereof, describing the impact of a proposed rule on small entities anytime an agency is required to publish a notice of proposed rulemaking in the **Federal Register**. As provided in the Standardized Approach NPR, the agencies are separately publishing initial regulatory flexibility analyses for the Proposed Rule. Accordingly, the FDIC sought comment on the IRFA provided in this **Federal Register** document, which describes the economic impact of the Standardized Approach NPR, in accordance with the requirements of the RFA.

Timetable:

Action	Date	FR Cite
NPRM	08/30/12	77 FR 52888
Initial Regulatory Flexibility Analysis.	10/17/12	77 FR 63763
NPRM Comment Period End.	10/22/12	
Initial Regulatory Flexibility Analysis Comment Period End.	11/16/12	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bobby R. Bean, Chief, Policy Section, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3575, *Email: bbean@fdic.gov.*

Karl Reitz, Senior Capital Markets Specialist, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–6775, *Email: kreitz@fdic.gov.*

Mark Handzlik, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3900, *Email: mhandzlik@fdic.gov.*

Michael Phillips, Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3581, *Email: mphillips@fdic.gov.*

RIN: 3064–AD96

401. Regulatory Capital Rules (Part 3): Advanced Approaches Risk-Based Capital Rules; Market Risk Capital Rule

Legal Authority: Pub. L. 111–203

Abstract: The Office of the Comptroller of the Currency (''OCC''), the Board of Governors of the Federal Reserve System (''Board''), and the FDIC (collectively, the ''Agencies'') are seeking comment on three notices of proposed rulemaking (''NPRMs'') that would revise and replace the Agencies' current capital rules. In this NPRM (Advanced Approaches and Market Risk NPR) the Agencies are proposing to revise the advanced approaches risk-based capital rule to incorporate certain aspects of ''Basel III: A Global Regulatory Framework for More Resilient Banks and Banking Systems'' that the agencies would apply only to advanced approach banking organizations. This NPRM also proposes other changes to the advanced approaches rule that the agencies believe are consistent with changes by the Basel Committee on Banking Supervision (''BCBS'') to its ''International Convergence of Capital Measurement and Capital Standards: A Revised Framework'' (Basel II), as revised by the BCBS between 2006 and 2009, and recent consultative papers published by the BCBS. The Agencies also propose to revise the advanced approaches risk-based capital rule to be consistent with Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the ''Dodd-Frank Act''). These revisions include replacing reference to credit ratings with alternative standards of creditworthiness consistent with section 939A of the Dodd-Frank Act. Additionally, the OCC and FDIC are proposing that the market risk capital rule be applicable to federal and state savings associations, and the Board is proposing that the advanced approaches and market risk capital rules apply to top-tier savings and loan holding companies domiciled in the United States that meet the applicable thresholds.

Timetable:

Action	Date	FR Cite
NPRM	08/30/12	77 FR 52977
NPRM Comment Period End.	10/22/12	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bobby R. Bean, Chief, Policy Section, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3575, *Email: bbean@fdic.gov.*

Ryan Billingsley, Senior Policy Analyst, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3797, *Email: rbillingsley@fdic.gov.*

Mark Handzlik, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3900, *Email: mhandzlik@fdic.gov.*

Michael Phillips, Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3581, *Email: mphillips@fdic.gov.*

RIN: 3064–AD97

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Long-Term Actions

402. Recordkeeping Rules for Institutions Operating Under the Exceptions or Exemptions for Banks From the Definitions of ''Broker'' or ''Dealer'' in the Securities Exchange Act of 1934

Legal Authority: 12 U.S.C. 1818; 12 U.S.C. 1819 (Tenth); 12 U.S.C. 1828(t)

Abstract: The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation requested comment on recordkeeping rules for banks, savings associations, federal and state-licensed branches and agencies of foreign banks, and Edge and agreement corporations that engage in securities-related activities under the statutory exceptions or regulatory exemptions for ''banks'' from the definitions of ''broker'' or ''dealer'' in section 3(a)(4)(B) or section 3(a)(5) of the Securities Exchange Act of 1934. The rule is designed to facilitate and promote compliance with these exceptions and exemptions.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Phillips, *Phone:* 202 898–3581, *Email: mphillips@fdic.gov.*

RIN: 3064–AD80

[FR Doc. 2013–17084 Filed 7–22–13; 8:45 am]

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FEDERAL REGISTER

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Part XXV

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period May 1, 2013 through October 31, 2013. The next agenda will be published in fall 2013.

DATES: Comments about the form or content of the agenda may be submitted any time during the next 6 months.

ADDRESSES: Comments should be addressed to Robert deV. Frierson, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its spring 2013 agenda as part of the Spring 2013 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following Web site: *www.reginfo.gov.* Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into four sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. A third section, Long-Term Actions, reports on matters that have been proposed and are under Board consideration, but a completion date has not been determined. And a fourth section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda and which the Board has not completed.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

FEDERAL RESERVE SYSTEM—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
403	Regulation CC—Availability of Funds and Collection of Checks (Docket No. R–1408)	7100–AD68
404	Regulations H and Y—Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III, Minimum Regulatory Capital Ratios, Capital Adequacy, and Transition Provisions. (Docket No. R–1442).	7100–AD87

FEDERAL RESERVE SYSTEM—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
405	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No. R–1429).	7100–AD80

FEDERAL RESERVE SYSTEM—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
406	Regulation KK—Margin and Capital Requirements for Covered Swap Entities (Docket No: R–1415)	7100–AD74

FEDERAL RESERVE SYSTEM—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
407	Regulation NN—Retail Foreign Exchange Transactions (Docket No. R–1428)	7100–AD79

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

403. Regulation CC—Availability of Funds and Collection of Checks (Docket No. R–1408)

Legal Authority: 12 U.S.C. 4001 to 4010; 12 U.S.C. 5001 to 5018

Abstract: The Federal Reserve Board (the Board) proposed amendments to Regulation CC to facilitate the banking industry's ongoing transition to fully electronic interbank check collection and return, including proposed amendments to condition a depositary bank's right of expeditious return on the depositary bank agreeing to accept returned checks electronically either directly or indirectly from the paying bank. The Board also proposed amendments to the funds availability schedule provisions to reflect the fact that there are no longer any nonlocal checks. The Board proposed to revise the model forms in appendix C that banks may use in disclosing their funds availability policies to their customers and to update the preemption determinations in appendix F. Finally, the Board requested comment on whether it should consider future changes to the regulation to improve the check collection system, such as

decreasing the time afforded to a paying bank to decide whether to pay a check in order to reduce the risk to a depositary bank of needing to make funds available for withdrawal before learning whether a deposited check has been returned unpaid.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	03/25/11	76 FR 16862
Board Expects Further Action.	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dena Milligan, Senior Attorney, Federal Reserve System, Legal Division, *Phone:* 202 452–3900.

RIN: 7100–AD68

404. Regulations H and Y—Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III, Minimum Regulatory Capital Ratios, Capital Adequacy, and Transition Provisions. (Docket No. R–1442)

Legal Authority: 12 U.S.C. 24; 12 U.S.C. 36; 12 U.S.C. 92a; 12 U.S.C. 93a; * * *

Abstract: In this Notice of Proposed Rulemaking (NPRM), the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation, (the Agencies) are proposing to revise their risk-based and leverage capital requirements consistent with agreements reached by the Basel Committee on Banking Supervision (BCBS) in ''Basel III: A Global Regulatory Framework for More Resilient Banks and Banking Systems'' (Basel III). The proposed revisions would include implementation of a new common equity tier I minimum capital requirement, a higher minimum tier I capital requirement, and, for banking organizations subject to the advanced approaches capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator measure. Additionally, consistent with Basel III, the Agencies are proposing to apply limits on a banking organization's capital distributions and certain discretionary bonus payments if the banking organization does not hold a specified amount of common equity tier I capital above the amount necessary to meet its minimum risk-based capital requirements. This NPRM also would establish more conservative standards for including an instrument in regulatory capital. As discussed in the proposal, the revisions set forth in this NPRM are consistent with section 171 of the Dodd-Frank Act, which requires the Agencies to establish minimum risk-based and leverage capital requirements.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	08/30/12	77 FR 53059
Board Expects Further Action.	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anna Lee Hewko, Deputy Associate Director, Federal Reserve System, Division of Banking Supervision and Regulation, *Phone:* 202 530–6260.

RIN: 7100–AD87

FEDERAL RESERVE SYSTEM (FRS)

Final Rule Stage

405. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No. R–1429)

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828; * * *

Abstract: The Dodd-Frank Act Wall Street Reform and Consumer Protection Act (the Act) transferred responsibility for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively.

The Board on August 12, 2011, approved an interim final rule for SLHCs, including a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board.

The structure of interim final Regulation LL closely follows that of the Board's Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters.

Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the Board's regulations. In many instances interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs.

The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

The comment period with respect to the interim final rule closed on November 1, 2011, and the Board intends in the future to issue a finalized rule.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	09/13/11	76 FR 56508
Board Expect Further Action.	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Hannah, Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–2810.

RIN: 7100–AD80

FEDERAL RESERVE SYSTEM (FRS)

Long-Term Actions

406. Regulation KK—Margin and Capital Requirements for Covered Swap Entities (Docket No: R–1415)

Legal Authority: 7 U.S.C. 6s; 15 U.S.C. 780–10

Abstract: The Office of the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Farm Credit Administration, and the Federal Housing Finance Agency (the Agencies) are requesting comment on a proposal to establish minimum margin and capital requirements for registered swap dealers, major swap participants, security-based swap dealers, and major security-based swap participants for which one of the Agencies is the prudential regulator. This proposed rule implements sections 731 and 764 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which require the Agencies to adopt rules jointly to establish capital requirements and initial and variation margin requirements for such entities on all non-cleared swaps and non-cleared security-based swaps in order to offset the greater risk to such entities and the financial system arising from the use of swaps and security-based swaps that are not cleared.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	04/12/11	76 FR 27564
Comment Period End.	07/11/11	76 FR 37029
Board Reopened Comment Period.	10/02/12	77 FR 60057
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephanie Martin, Associate General Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–3198.

Dena Milligan, Senior Attorney, Federal Reserve System, Legal Division, *Phone:* 202 452–3900.

RIN: 7100–AD74

FEDERAL RESERVE SYSTEM (FRS)

Completed Actions

407. Regulation NN—Retail Foreign Exchange Transactions (Docket No. R–1428)

Legal Authority: 7 U.S.C. 2(i)(2)(E); 12 U.S.C. 248; 12 U.S.C. 321 to 338; 12 U.S.C. 1818; 12 U.S.C. 3108; * * *

Abstract: The Federal Reserve Board adopted on April 9, 2013, (78 FR 21019) a regulation to permit banking organizations under its supervision to engage in off-exchange transactions in foreign currency with retail customers. Section 2(c)(Z)(E) of the Commodity Exchange Act, as amended by the Dodd-Frank Act, requires U.S. financial institutions to effect these transactions only pursuant to rules adopted by their Federal regulatory authority. The final rule also describes various requirements with which banking organizations must comply to conduct such transactions.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	08/03/11	76 FR 46652
Board Issued Final Rule.	04/09/13	78 FR 21019

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott J. Holz, Senior Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–2966.

RIN: 7100–AD79

[FR Doc. 2013–17090 Filed 7–22–13; 8:45 am]

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Part XXVI

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2013–0076]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, ''The Regulatory Flexibility Act,'' and Executive Order 12866, ''Regulatory Planning and Review.'' The Agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance of the NRC's Agenda contains 56 rulemaking activities: Four are Economically Significant; 12 represent Other Significant agency priorities; 38 are Substantive, Nonsignificant rulemaking activities; and two are Administrative rulemaking activities. This issuance updates any action occurring on rules since publication of the last semiannual regulatory agenda on January 8, 2013 (78 FR 1704). The NRC is requesting comment on its rulemaking activities as identified in this agenda.

DATES: Submit comments on this agenda by August 22, 2013.

ADDRESSES: Submit comments on any rule in the agenda by the date and methods specified in the proposed rule notice. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the Agenda. You may submit comments on this agenda through the Federal Rulemaking Web site by going to *http://www.regulations.gov* and searching for Docket ID NRC–2013–0076. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed under the heading ''Agency Contact'' for that rule.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Cindy Bladey, Chief, Rules, Announcements and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–492–3667; email: *Cindy.Bladey@nrc.gov.* Persons outside the Washington, DC, metropolitan area may call toll-free: 1–800–368–5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading ''Agency Contact'' for that rule.

SUPPLEMENTARY INFORMATION:

Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0076 when contacting the NRC about the availability of information for this document. You may access information related to this document, which the NRC possesses and is publicly available, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0076.
- *NRC's Public Web site:* Go to *http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/unified-agenda.html* and select spring 2013.
- *NRC's Public Document Room:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0076 in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

Introduction

The information contained in this semiannual publication is updated to reflect any action that has occurred on rules since publication of the last NRC semiannual regulatory agenda on January 8, 2013 (78 FR 1704). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this Agenda has been updated through April 24, 2013. The date for the next scheduled action under the heading ''Timetable'' is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the Agenda.

The NRC agenda lists all open rulemaking actions. Four rules impact small entities.

Common Prioritization of Rulemaking

The NRC has a process for developing rulemaking budget estimates and determining the relative priorities of rulemaking projects during budget formulation. This process produces a ''Common Prioritization of Rulemaking'' (CPR). The NRC adds new rules and evaluates rule priorities annually. The CPR process considers four factors and assigns a score to each factor. Those factors include (1) support for the NRC's Strategic Plan goals; (2) support for the Strategic Plan organizational excellence objectives; (3) a governmental factor representing interest to the NRC, Congress, or other governmental bodies; and (4) an external factor representing interest to members of the public, nongovernmental organizations, the nuclear industry, vendors, and suppliers.

The NRC's fall Agenda contains its annual regulatory plan, which includes a statement of the major rules that the Commission expects to publish in the coming fiscal year (FY) and a description of the other significant regulatory priorities from the CPR that the Commission expects to work on during the coming FY and beyond.

Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of

promulgation of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. The NRC undertakes these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, the NRC does not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, the NRC has not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of NRC regulations that impact small entities and related Small Entity Compliance Guides will be available from the NRC's Web site in the fall of 2013.

Dated at Rockville, Maryland, this 24th day of April 2013.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

NUCLEAR REGULATORY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
408	Distribution of Source Material To Exempt Persons and General Licensees and Revision of General License and Exemptions [NRC–2009–0084].	3150–AH15
409	Revision of Fee Schedules: Fee Recovery for FY 2013 [NRC–2012–0211]	3150–AJ19

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
410	Controlling the Disposition of Solid Materials [NRC–1999–0002]	3150–AH18

NUCLEAR REGULATORY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
411	Physical Protection of Byproduct Material [NRC–2008–0120]	3150–AI12

NUCLEAR REGULATORY COMMISSION (NRC)

Final Rule Stage

408. Distribution of Source Material to Exempt Persons and General Licensees and Revision of General License and Exemptions [NRC–2009–0084]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The final rule amends the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make part 40 more risk-informed. The final rule also governs the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products and materials used by exempt persons and general licensees. Source material is used under general license and under various exemptions from licensing requirements in part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use and use under general license. Obtaining information on the distribution of source material is particularly difficult because many of the distributors of source material to exempt persons and generally licensed persons are not currently required to hold a license from the Commission. Distributors are often unknown to the Commission. No controls are in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in section 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities that are not required to meet the requirements of parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also addresses Petition for Rulemaking, PRM–40–27 submitted by the State of Colorado and Organization of Agreement States.

Timetable:

Action	Date	FR Cite
NPRM	07/26/10	75 FR 43425
NPRM Comment Period Extended.	11/18/10	75 FR 70618
NPRM Comment Period End.	02/15/11	
Final Rule	05/29/13	78 FR 32310
Final Rule Effective.	08/27/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gary C. Comfort, Jr., Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555–0001, *Phone:* 301 415–8106, *Email:* *gary.comfort@nrc.gov.*

RIN: 3150–AH15

409. Revision of Fee Schedules: Fee Recovery for FY 2013 [NRC–2012–0211]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The proposed rule would amend the Commission's licensing, inspection, and annual fees charged to its applicants and licensees. Based on the FY 2013 NRC budget sent to Congress, the NRC's required fee recovery amount for the FY 2013 budget is approximately $924.8 million. After

accounting for carryover and billing adjustments, the total amount to be recovered through fees is approximately $925 million.

Timetable:

Action	Date	FR Cite
NPRM	03/07/13	78 FR 14880
NPRM Comment Period End.	04/08/13	
Final Rule	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Arlette P. Howard, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–1481, *Email: arlette.howard@nrc.gov.*

RIN: 3150–AJ19

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

410. Controlling the Disposition of Solid Materials [NRC–1999–0002]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The NRC staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005, which the Commission disapproved (ADAMS Accession Number: ML051520285). The rulemaking package included a summary of stakeholder comments (NUREG/CR–6682), Supplement 1, (ADAMS Accession Number: ML003754410). The Commission's decision was based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. The Commission has deferred action on this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Solomon Sahle, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555–0001, *Phone:* 301 415–3781, *Email: solomon.sahle@nrc.gov.*

RIN: 3150–AH18

NUCLEAR REGULATORY COMMISSION (NRC)

Completed Actions

411. Physical Protection of Byproduct Material [NRC–2008–0120]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The final rule amends the Commission's regulations to put in place security requirements for the use of Category 1 and Category 2 quantities of radioactive material. The objective is to ensure that effective security measures are in place to prevent the dispersion of radioactive material for malevolent purposes. The final amendment also addresses background investigations and access controls, enhanced security for use, and transportation security for Category 1 and Category 2 quantities of radioactive material. This rulemaking subsumes RIN 3150–AI56, ''Requirements for Fingerprinting and Criminal History Record Checks for Unescorted Access to Radioactive Material and Other Property (part 37).''

Completed:

Reason	Date	FR Cite
Final Rule	03/19/13	78 FR 16922
Final Rule Effective.	05/20/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Merri L. Horn, *Phone:* 301 415–8126, *Email: merri.horn@nrc.gov.*

RIN: 3150–AI12

[FR Doc. 2013–17091 Filed 7–22–13; 8:45 am]

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Part XXVII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33–9409, 34–69800, IA–3617, IC–30563, File No. S7–04–13]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Securities and Exchange Commission is publishing an agenda of its rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. No. 96–354, 94 Stat. 1164) (Sep. 19, 1980). Information in the agenda was accurate on June 19, 2013, the day on which the Commission's staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of a Regulatory Flexibility Act analysis is required.

The Commission's complete RFA agenda will be available online at *www.reginfo.gov.*

DATES: Comments should be received on or before August 22, 2013.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–04–13 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

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. S7–04–13. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/other.shtml*). Comments are also available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Anne Sullivan, Office of the General Counsel, 202 551–5019.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

''Securities Act''—Securities Act of 1933

''Exchange Act''—Securities Exchange Act of 1934

''Investment Company Act''—Investment Company Act of 1940

''Investment Advisers Act''—Investment Advisers Act of 1940

''Dodd-Frank Act''—Dodd-Frank Wall Street Reform and Consumer Protection Act

The Commission invites public comment on the agenda and on the individual agenda entries.

Dated: June 19, 2013.
By the Commission.

Elizabeth M. Murphy,
Secretary.

3 OOD—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
412	Transitional Registration as a Municipal Advisor	3235–AK69
413	Registration of Municipal Advisers	3235–AK86

Division of Corporation Finance—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
414	Rules Governing the Offer and Sale of Securities Through Crowdfunding Under Section 4(6) of the Securities Act of 1933.	3235–AL37
415	Implementation of Titles V and VI of the JOBS Act	3235–AL40
416	Treatment of Certain Communications Involving Security-Based Swaps That May be Purchased Only by Eligible Contract Participants.	3235–AL41

DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
417	Disqualification of Felons and Other "Bad Actors" From Rule 506 Offerings	3235–AK97
418	Elimination of Prohibition on General Solicitation in Rule 506 and Rule 144A Offerings	3235–AL34

DIVISION OF CORPORATION FINANCE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
419	Short-Term Borrowings	3235–AK72
420	Exemptions for Security-Based Swaps	3235–AL17

DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
421	Purchase of Certain Debt Securities by Business and Industrial Development Companies Relying on an Investment Company Act Exemption.	3235–AL02

DIVISION OF INVESTMENT MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
422	Temporary Rule for Principal Trades With Certain Advisory Clients	3235–AL28
423	Identity Theft Red Flags Rules	3235–AL26

DIVISION OF TRADING AND MARKETS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
424	Publication or Submission of Quotations Without Specified Information	3235–AH40

DIVISION OF TRADING AND MARKETS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
425	Broker-Dealer Reports	3235–AK56
426	Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934	3235–AL14
427	Rules for Nationally Recognized Statistical Rating Organizations	3235–AL15

DIVISION OF TRADING AND MARKETS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
428	Lost Securityholders and Unresponsive Payees	3235–AL11

SECURITIES AND EXCHANGE COMMISSION (SEC)

3 OOD

Final Rule Stage

412. Transitional Registration as a Municipal Advisor

Legal Authority: Pub. L. 111–203, sec 975

Abstract: The Commission adopted an interim final temporary rule to establish a means for municipal advisors to satisfy temporarily the requirement that they register with the Commission by October 1, 2010, consistent with the Dodd Frank Act. The rule has been amended and is effective through September 30, 2013.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/08/10	75 FR 54465
Interim Final Rule Effective.	10/01/10	
Interim Final Rule Comment Period End.	10/08/10	
Interim Final Rule Extended.	12/27/11	76 FR 80733
Interim Final Rule Effective Through.	12/31/11	
Interim Final Rule Extended.	09/26/12	77 FR 62185

Action	Date	FR Cite
Interim Final Rule Effective Through.	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ira Brandriss, Office of Municipal Securities, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5681, *Email: brandrissi@sec.gov.*

RIN: 3235–AK69

413. Registration of Municipal Advisers

Legal Authority: 15 U.S.C. 78o–4; 15 U.S.C. 78q; 15 U.S.C. 78mm

Abstract: The Commission proposed new Rules 15Ba1–1 through 15Ba1–7 and new Forms MA, MA–I, MA–W, and MA–NR under the Exchange Act. The proposed rules and forms are designed to give effect to provisions of title IX of the Dodd Frank Act that, among other things, would establish a permanent registration regime with the Commission for municipal advisors and would impose certain recordkeeping requirements on such advisors.

Timetable:

Action	Date	FR Cite
NPRM	01/06/11	76 FR 824
NPRM Comment Period End.	02/22/11	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Dodd, Office of Municipal Securities, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5653, *Email: doddj@sec.gov.*

RIN: 3235–AK86

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Proposed Rule Stage

414. Rules Governing the Offer and Sale of Securities Through Crowdfunding Under Section 4(6) of the Securities Act of 1933

Legal Authority: 15 U.S.C. 77a *et seq.;* 15 U.S.C. 78a *et seq.;* Pub. L. 112–108, secs 301 to 305

Abstract: The Division is considering recommending that the Commission propose rules to implement Title II of the JOBS Act by prescribing rules governing the offer and sale of securities through crowdfunding under new section 4(6) of the Securities Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sebastian Gomez Abero, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500, *Email: gomezalberos@sec.gov.*

Leila Bham, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5532, *Email: bhaml@sec.gov.*

RIN: 3235–AL37

415. Implementation of Titles V and VI of the Jobs Act

Legal Authority: Pub. L. 112–106

Abstract: The Division is considering recommending that the Commission propose rules or amendments to rules to implement Titles V (Private Company Flexibility and Growth) and VI (Capital Expansion) of the JOBS Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3430.

RIN: 3235–AL40

416. • Treatment of Certain Communications Involving Security-Based Swaps That May Be Purchased Only by Eligible Contract Participants

Legal Authority: Not Yet Determined

Abstract: The Division is considering recommending that the Commission propose a rule under the Securities Act to address the treatment of certain communications involving security-based swaps that may be purchased only by eligible contract participants.

Timetable:

Action	Date	FR Cite
NPRM	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew Schoeffler, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3860.

RIN: 3235–AL41

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Final Rule Stage

417. Disqualification of Felons and Other ''Bad Actors'' From Rule 506 Offerings

Legal Authority: 15 U.S.C. 77c(a); 15 U.S.C. 77d; 15 U.S.C. 77s; 15 U.S.C. 77z–3

Abstract: The Commission proposed rules to disqualify securities offerings involving certain ''bad actors'' from eligibility for the exemptions under Rule 506 of Regulation D, in accordance with section 926 of the Dodd Frank Act.

Timetable:

Action	Date	FR Cite
NPRM	06/01/11	76 FR 31518
NPRM Comment Period End.	07/14/11	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Johanna Vega Losert, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3460, *Email: losertj@sec.gov.*

RIN: 3235–AK97

418. Elimination of Prohibition on General Solicitation in Rule 506 and Rule 144a Offerings

Legal Authority: 15 U.S.C. 77a *et seq.*

Abstract: The Commission proposed rules to eliminate the prohibition against general solicitation and general advertising in securities offerings made pursuant to Rule 506 of Regulation D under the Securities Act and Rule 144A under the Securities Act, as mandated by section 201(a) of the JOBS Act.

Timetable:

Action	Date	FR Cite
NPRM	09/06/12	77 FR 54469
NPRM Comment Period End.	10/05/12	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ted Yu, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500.

Charles Kwon, Division of Corporation Finance, Securities and

Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500.

RIN: 3235–AL34

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Completed Actions

419. Short-Term Borrowings

Legal Authority: 15 U.S.C. 77a *et seq.;* 15 U.S.C. 78a *et seq.*

Abstract: The Commission is withdrawing this item from the Unified Agenda because it does not expect to consider this item within the next 12 months, but the Commission may consider the item at a future date.

Timetable:

Action	Date	FR Cite
NPRM	09/28/10	75 FR 59866
NPRM Comment Period End.	11/29/10	
Withdrawn	07/01/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christina Padden, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3430.

RIN: 3235–AK72

420. Exemptions for Security-Based Swaps

Legal Authority: 15 U.S.C. 77s; 15 U.S.C. 77aa; 15 U.S.C. 78l(h); 15 U.S.C. 78w(a); 15 U.S.C. 78mm; 15 U.S.C. 78ddd(d)

Abstract: The Commission adopted interim final rules, providing exemptions under the Securities Act, Exchange Act, and Trust Indenture Act of 1939 for those security-based swaps that under previous law were security-based swap agreements and have been defined as ''securities'' under the Securities Act and the Exchange Act as of July 16, 2011, due solely to the provisions of title VII of the Dodd Frank Act. The interim final rules currently expire on February 11, 2014.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/11/11	76 FR 40605
Interim Final Rule Effective.	07/11/11	
Interim Final Rule Comment Period End.	08/15/11	
Interim Final Rule Extended.	02/04/13	78 FR 7654
Interim Final Rule Effective.	02/04/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Starr, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3860.

RIN: 3235–AL17

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Final Rule Stage

421. Purchase of Certain Debt Securities by Business and Industrial Development Companies Relying on an Investment Company Act Exemption

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–8; 15 U.S.C. 80a–14(a); 15 U.S.C. 80a–29; 15 U.S.C. 80a–30(a); 15 U.S.C. 80a–37; 15 U.S.C. 77e; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s(a); Pub. L. 111–203, sec 939A

Abstract: The Commission proposed (i) to amend two rules (Rules 2a–7 and 5b–3) and four forms (Forms N–1A, N–2, N–3, and N–MFP) under the Investment Company Act that reference credit ratings and (ii) a new rule under the Act that would set forth a credit quality standard in place of a credit rating removed by the Dodd Frank Act from section 6(a)(5)(A)(iv)(1) of that Act. These proposals would give effect to section 939A of the Dodd Frank Act.

Timetable:

Action	Date	FR Cite
NPRM	03/09/11	76 FR 12896
NPRM Comment Period End.	04/25/11	
Final Action	11/23/12	77 FR 70117
Final Action Effective.	12/24/12	
Final Action	12/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anu Dubey, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6792.

RIN: 3235–AL02

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Completed Actions

422. Temporary Rule for Principal Trades With Certain Advisory Clients

Legal Authority: 15 U.S.C. 80b–6a; 15 U.S.C. 80b–11(a)

Abstract: The Commission adopted an amendment to Rule 206(3)–3(T) under the Investment Advisers Act, which provides investment advisers who are also registered broker-dealers an alternative means of compliance with the principal trading restrictions in section 206(3) of the Investment Advisers Act. The amendment extends the sunset date of the rule for two years to December 31, 2014.

Timetable:

Action	Date	FR Cite
NPRM	10/12/12	77 FR 62185
NPRM Comment Period End.	11/13/12	
Final Action	12/31/12	77 FR 76854
Final Action Effective.	12/28/12	
Final Action Effective Until.	12/31/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sarah Buescher, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5192, *Email: bueschers@sec.gov.*

RIN: 3235–AL28

423. Identity Theft Red Flags Rules

Legal Authority: 15 U.S.C. 78q; 15 U.S.C. 78q–1; 15 U.S.C. 78o–4; 15 U.S.C. 78o–5; 15 U.S.C. 78w; 15 U.S.C. 80a–30; 15 U.S.C. 80a–37; 15 U.S.C. 80b–4; 15 U.S.C. 1681m(e); 15 U.S.C. 1681s(b); * * *

Abstract: The SEC and the Commodity Futures Trading Commission jointly adopted rules and guidelines to implement certain provisions of the Dodd Frank Act. These provisions amend the Fair Credit Reporting Act and direct the Commissions to adopt programs to address identity theft.

Timetable:

Action	Date	FR Cite
NPRM	03/06/12	77 FR 13450
NPRM Comment Period End.	05/07/12	
Final Action	04/19/13	78 FR 23638
Final Action Effective.	05/20/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Thoreau Adrian Bartmann, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5745, *Email: bartmannt@sec.gov.*

RIN: 3235–AL26

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Proposed Rule Stage

424. Publication or Submission of Quotations Without Specified Information

Legal Authority: 15 U.S.C. 78c; 15 U.S.C. 78j(b); 15 U.S.C. 78o(c); 15 U.S.C. 78o(g); 15 U.S.C. 78q(a); 15 U.S.C. 78w(a)

Abstract: As part of its efforts to respond to fraud and manipulation in the microcap securities market, the Commission proposed amendments to Rule 15c2–11. These amendments would limit the rule's piggyback provision and increase public availability of issuer information. The amendments would expand the information review requirements for non-reporting issuers and the documentation required for significant relationships between the broker-dealer and the issuer of the security to be quoted. Finally, the amendments would exclude from the rule securities of larger, more liquid issuers.

Timetable:

Action	Date	FR Cite
NPRM	02/25/98	63 FR 9661
NPRM Comment Period End.	04/27/98	
Second NPRM	03/08/99	64 FR 11124
Second NPRM Comment Period End.	04/07/99	
Second NPRM Comment Period Extended.	04/14/99	64 FR 18393
Comment Period End.	05/08/99	
Third NPRM	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry O'Connell, Securities and Exchange Commission, Division of Trading and Markets, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5787.

RIN: 3235–AH40

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Final Rule Stage

425. Broker-Dealer Reports

Legal Authority: 15 U.S.C. 78q

Abstract: The Commission proposed amendments to Rule 17a–5 dealing with, among other things, broker-dealer custody of assets.

Timetable:

Action	Date	FR Cite
NPRM	06/27/11	76 FR 37572
NPRM Comment Period End.	08/26/11	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kimberly Chehardy, Division of Trading and Markets, Securities and Exchange Commission, 10 F Street NE., Washington, DC 20549, *Phone:* 202 551–5791, *Email: chehardyk@sec.gov.*

RIN: 3235–AK56

426. Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934

Legal Authority: Pub. L. 111–203, sec 939A

Abstract: Section 939A of the Dodd Frank Act requires the Commission to remove any references to credit ratings from its regulations and to substitute such standards of creditworthiness as the Commission determines to be appropriate. The Commission proposed to amend certain rules and one form under the Exchange Act applicable to broker-dealer financial responsibility, distributions of securities, and confirmations of transactions. The Commission also requested comment on potential standards of creditworthiness for purposes of Exchange Act sections 3(a)(41) and 3(a)(53), which define the terms ''mortgage related security'' and ''small business related security,'' respectively, as the Commission considers how to implement section 939(e) of the Dodd Frank Act.

Timetable:

Action	Date	FR Cite
NPRM	05/06/11	76 FR 26550
NPRM Comment Period End.	07/05/11	
Final Action	08/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carrie O'Brien, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5640, *Email: obrienca@sec.gov.*

RIN: 3235–AL14

427. Rules for Nationally Recognized Statistical Rating Organizations

Legal Authority: 15 U.S.C. 78o–7; 15 U.S.C. 78q; 15 U.S.C. 78mm; Pub. L. 111–203, secs 936, 938, and 943

Abstract: The Commission proposed rules and rule amendments to implement certain provisions of the Dodd Frank Act concerning nationally recognized statistical rating organizations, providers of third-party due diligence services for asset-backed securities, and issuers and underwriters of asset-backed securities.

Timetable:

Action	Date	FR Cite
NPRM	06/08/11	76 FR 33420
NPRM Comment Period End.	08/08/11	
Final Action	09/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rachel Yura, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5729, *Email: yurar@sec.gov.*

RIN: 3235–AL15

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Completed Actions

428. Lost Securityholders and Unresponsive Payees

Legal Authority: 15 U.S.C. 78q(g); Pub. L. 11–203, sec 939A

Abstract: The Commission adopted amendments to Rule 17Ad–17 to implement the mandates of section 929W of the Dodd Frank Act. That section requires (1) adding brokers and dealers to entities that must conduct database searches for lost security holders; and (2) requiring that ''paying agents,'' which consist of persons that accept payments from the issuer of a security for distribution to a security holder, send written notification to a security holder who has been sent a check that has not been negotiated and that they do so no later than 7 months after the check was sent.

Timetable:

Action	Date	FR Cite
NPRM	03/25/11	76 FR 16707
NPRM Comment Period End.	05/09/11	
Final Action	01/23/13	78 FR 4678
Final Action Effective.	03/25/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Thomas C. Etter Jr., Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5713, *Email: ettert@sec.gov.*

RIN: 3235–AL11

[FR Doc. 2013–17092 Filed 7–22–13; 8:45 am]

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FEDERAL REGISTER

Vol. 78 Tuesday,

No. 141 July 23, 2013

Part XXVIII

The President

Notice of July 19, 2013—Continuation of the National Emergency With Respect to Transnational Criminal Organizations

Federal Register
Vol. 78, No. 141
Tuesday, July 23, 2013

Presidential Documents

Title 3—

The President

Notice of July 19, 2013

Continuation of the National Emergency With Respect to Transnational Criminal Organizations

On July 24, 2011, by Executive Order 13581, I declared a national emergency with respect to transnational criminal organizations pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the activities of significant transnational criminal organizations.

The activities of significant transnational criminal organizations have reached such scope and gravity that they threaten the stability of international political and economic systems. Such organizations are becoming increasingly sophisticated and dangerous to the United States; they are increasingly entrenched in the operations of certain foreign governments and the international financial system, thereby weakening democratic institutions, degrading the rule of law, and undermining economic markets. These organizations facilitate and aggravate violent civil conflicts and increasingly facilitate the activities of other dangerous persons.

The activities of significant transnational criminal organizations continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared in Executive Order 13581 of July 24, 2011, and the measures adopted on that date to deal with that emergency, must continue in effect beyond July 24, 2013. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to transnational criminal organizations declared in Executive Order 13581.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
July 19, 2013.

[FR Doc. 2013–17863
Filed 7–22–13; 11:15 am]
Billing code 3295–F3

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